

1. Agenda

Documents:

[011426.TCRM.PDF](#)

2. Council Department Reports

Documents:

[R. ATON.PDF](#)  
[B. BRUNO.PDF](#)  
[J. BURNS.PDF](#)  
[P. CAMPBELL.PDF](#)  
[K. TOPHAM.PDF](#)

3. Packet Materials

Documents:

[ITEM B1 - 2026 COUNCIL DEPARTMENT ASSIGNMENTS.PDF](#)  
[123125 PURCHASING REPORT.PDF](#)  
[ITEM C1 - PUBLIC HEARING ORDINANCE 2025-19 AMD CHPT 10-18 TOWN CODE BY ADDING A REQ FOR ENHANCED BUFFER SCREEN ON COMMERCIAL PROPS ADJ TO RES.PDF](#)  
[ITEM C2 - PUBLIC HEARING ZONE CHG VALLEY RESIDENTIAL TO PUBLIC USE PARCEL S-137-C A TWO-ACRE PARCEL IMMEDIATELY ADJ EAST TOWN HALL PROPERTY.PDF](#)  
[ITEM C3 - PUBLIC HEARING ORD. 2025-20 AMD CHPT 10-7A TOWN CODE ADDING MED OFFICES DRUGSTORES PHARMACIES MED CLINICS PU ZONE.PDF](#)  
[ITEM C4 - ORDINANCE REVISION 2026-01 CHANGES TO SECTION 6-2-9 ADDING A PROHIBITION ON CAMPING IN A VEHICLE PARKED IN THE PUBLIC RIGHT-OF-WAY.PDF](#)  
[ITEM D1 - CONSIDERATION OF A PROPOSAL MADE BY JEFF MCKEE TO FORM A COMMUNITY OVERSIGHT COMMITTEE.PDF](#)  
[ITEM D2 - AUDIT PRESENTATION FOR THE FY 2024-2025 BUDGET.PDF](#)  
[ITEM D3 - CONSIDERATION AND POSSIBLE APPROVAL OF AN ENGAGEMENT LETTER FROM REES CPA FOR AUDITOR SERVICES FOR THE FISCAL YEAR 2025-2026.PDF](#)  
[ITEM D4 - RESOLUTION 2026-01 ADOPTING A REVISED PARKING ZONE MAP FOR THE TOWN OF SPRINGDALE.PDF](#)  
[ITEM D5 - RESOLUTION 2026-02 AMND FEE SCHEDULE TO INCLUDE SOLAR PERMITS AGRICULTURAL USE PERMIT AND ADMINISTRATIVE AGRICULTURAL USE PERMIT.PDF](#)  
[ITEM D6 - DISCUSSION AND POSSIBLE APPROVAL TO EXTEND THE RESIGNATION PERIOD OF TOWN MANAGER RICK WIXOM THROUGH MARCH 31, 2026.PDF](#)



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## TOWN COUNCIL NOTICE AND AGENDA

THE SPRINGDALE TOWN COUNCIL WILL HOLD MEETINGS

ON WEDNESDAY, JANUARY 14, 2026,

AT THE CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH

THE SPECIAL MEETING STARTS AT 4:00 PM. THE REGULAR MEETING STARTS AT 5:00 PM.

*A live stream of this meeting will be available to the public on YouTube.*

**\*\*Please see the YouTube information below.**

### SPECIAL MEETING

Approval of the Special Meeting agenda

A. Closed Session

1. Strategy Session to Discuss Pending or Reasonably Imminent Litigation.

B. Action Required by Closed Session

C. Adjourn

Pledge of Allegiance

Approval of the Regular Meeting Agenda

A. Announcements/Information/Community Questions/Presentations

1. General Announcements
2. Zion National Park Update – Superintendent Bradybaugh
3. Council Department Reports, Questions, and Comments
4. Community Questions and Comments

B. Consent Agenda

1. 2026 Councilmember Committee Assignments.
2. Review of Monthly Purchasing Report.
3. Appointment of Jack Burns as Mayor pro tempore.
4. Reappointment of Bob Carlton to the Springdale Historic Preservation Commission.
5. Reappointment of Rich Levin to the Springdale Historic Preservation Commission.

C. Legislative Items

1. **Public Hearing: Ordinance 2025-19** Amending Chapter 10-18 of the Town Code by Adding a Requirement for Enhanced Buffering and Screening on Commercial Properties Adjacent to Residential Uses. Staff Contact: Thomas Dansie.
2. **Public Hearing: Zone Change** from Valley Residential (VR) To Public Use (PU) On Parcel S-137-C, A Two-Acre Parcel Immediately Adjacent to the East of the Town Hall Property. Applicant: Town Of Springdale. Staff Contact: Thomas Dansie.
3. **Public Hearing: Ordinance 2025-20** Amending Chapter 10-7A of the Town Code by Adding Medical Offices, Drugstores, Pharmacies, and Medical Clinics as Permitted Uses in The PU Zone. Staff Contact: Thomas Dansie.
4. **Ordinance Revision 2026-01:** Changes to Section 6-2-9 Adding a Prohibition on Camping in a Vehicle Parked in the Public Right-of-Way. Staff Contact: Thomas Dansie.

D. Administrative Action Items

1. Consideration of a Proposal Made by Jeff McKee to Form a Community Oversight Committee. Staff Contact: Greg Hardman.
2. Audit Presentation for the FY 2024-2025 budget – Caleb Rees, Rees CPA. Staff contact: Dawn Brecke.
3. Consideration and Possible Approval of an Engagement Letter from Rees CPA for Auditor Services for the Fiscal Year 2025-2026. Staff contact: Dawn Brecke.
4. Resolution 2026-01: Adopting a Revised Parking Zone Map for the Town of Springdale. Staff contact: Thomas Dansie.
5. Resolution 2026-02: Amending the Fee Schedule to Include Solar Permits, Agricultural Use Permit, and Administrative Agricultural Use Permit. Staff contact: Kyndal Sagers.
6. Discussion and Possible Approval to Extend the Resignation Period of Town Manager Rick Wixom through March 31, 2026.

E. Administrative Non-Action Items

1. General Council Discussion

F. Adjourn

\*To access the live stream for this public meeting, please visit or click the YouTube link below:

<https://www.youtube.com/@SpringdaleTownPublicMeetings>

*This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested parties to receive this notice does not constitute a violation of the Town's noticing requirements or policies.*

**NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Robin Romero (435.772.3434) at least 48 hours before the meeting.**

Packet materials for agenda items will be available on the Town website: <http://www.springdaletown.com/AgendaCenter>

## **Council Department Reports 1-12-26**

### **Fire Board**

- There was no fire board meeting this month.

### **Renewable Energy Report**

- On December 16 & 17 the PSC heard testimony on the renewable energy program application. We expect the PSC to rule on and approve the program by either the end of this month or the end of next month. At that point, Springdale will have 90 days to adopt the final program ordinance (by ~4/30/26).
- We expect to have a final short list of six (6) renewable energy developments chosen by 1/12/26. The URC board will then select one or more renewable developments by 2/2/26. We then will execute an agreement with the selected developers on 3/9 and file this with the PSC.
- RMP did not give us a system benefit (which would mean a reduction in rate) for developments with battery storage. That means that we will only be looking at generation only projects.
- At this point we expect our residents and businesses to start receiving opt out notices from RMP at the end of September 2026. The program will start collecting revenues at the end of November 2026.
- Again, everyone in Springdale will be automatically enrolled in the program. If you do not want to participate, you will have 60 days to opt out of the program after receiving the initial opt out notice.

### **LPC Housing Subgroup**

The ULCT is gearing up for the Legislative Session and has “assured” us that detached ADU’s will come up in the session. This group is giving input on size restrictions, placement on lots, design consistency with primary residences, lot size, and whether it applies in all municipalities or just those with over 5,000 residents.

Parking is another hot topic, especially in areas with transit.

### **Zion East Side Discovery Center**

I attended an event with state legislators and toured this site. It is expected to be completed in Fall of 2026. They are still working on securing shuttles to take visitors into the Scenic Canyon, but this will give visitors another option for “hanging out” in addition to the Visitor Center at the south entrance.

### **Zion Regional Collaborative**

The ZRC has lost two funding partners and is looking for additional funding for the coordinator position. Iron County has increased the amount they contribute, and Toquerville will discuss this with their new Council. If any Springdale council members have ideas, we would appreciate that information.

Patty Wise didn’t run for office and will be leaving this group. She and I were co-chairs of the Steering Committee, and Jean Krause will take her place.

### **Dixie Transportation Executive Committee**

UDOT has plans to add passing lanes on SR-9 in our area beginning in 2028.

### **Mt. Carmel Tunnel and Highway Restrictions Meeting**

Randy, Rick, and I attended a virtual meeting about the upcoming restrictions. A press release will be issued on January 5 as a first step to a “lively” program of communication to tour operators, people planning trips to ZNP, local officials, etc. to prepare them for the new



Mayor Barbara Bruno  
Council Department Report  
January 2026

rules. The park and ride in Virgin should be up and running by March, well ahead of the June 7 implementation date.

### **Washington County Mayors Association**

I chaired my first Association meeting in person in Santa Clara in conjunction with a luncheon for newly-elected mayors and council members. We made a decision to hold our future meetings at an anchor location and to move those meetings around the County. As a start, Hildale will host February, Washington will host March, the County Sheriff will host April at the Purgatory facility, and Virgin will host May at their new building. The Association went to a Zoom format during Covid, and we are looking forward to more interaction at these monthly meetings.

Jack Burns  
Council Department Report  
January 2026

Here is a summary of key activities for my December department report:

December 8: Washington County Solid Waste Admin. Board

- Republic Waste Services Update:
  - Do not put batteries in trash - they get hot and cause fires - uptick in fires in garbage trucks this past year.
  - A list of businesses who accept batteries e.g. Lowes will be developed and made available to municipalities.
  - No LED bulbs either
  - Take car batteries to NAPA and the Landfill accepts them
  - Battery Mail-Back Program - place at Town Office - box includes shipping label -
  - [packback@republicservices.com](mailto:packback@republicservices.com)
    - Education is key - place signage at recycle bins
    - WCSWD will write up a message and send to each City/Town to add to their bill or newsletter
  - If Springdale wants to make this available, Republic will cover the cost of the first pack (\$105)
- Hazardous Waste Day held October 11, 2025 - free event - does Springdale participate in this? 2026 dates will be sent out to each City/Town
- Public Hearing: Resolution to adopt the 2026 final budget - passed

December 8: Meeting w/ Tom regarding development of web based information outreach to residents for current projects

Met with Tom to discuss how we can do a better job providing the current status of projects to town residents and also provide a way in which they can ask questions and receive a reply. Tom offered up several good options and is exploring them with his staff - more to come.

December 19: Specifications Review for River Park Expansion Project

Met with Ryan, Tom and ASSIST (project consultant) to discuss current design specifications for the River Park project. Ryan has posted the current design along with the project budget and

Jack Burns  
Council Department Report  
January 2026

timeline on the Town's webpage. Residents are encouraged to take a look at it and if they have questions, feel free to contact Ryan or myself.

December 20: Wreaths across America

I participated in this well attended event. Big thank you to Town staff for all their work to coordinate this and to town residents who made the effort to attend and make this important day special.

Pat Campbell  
Council Department Report  
January 2026

## **Pat Campbell**

### **Emergency & Disaster Management**

The Mayor has asked me to organize and lead Town Emergency Preparedness training in the Incident Command System (ICS/NIMS) for Town staff, and elected and appointed officials. I expect to complete a draft training plan by the February Town Council meeting, with hard copies available for attendees. Depending on interest, I would like to expand the program to include Town residents. The proposed schedule would begin with an introductory overview of the Incident Command System, followed by a timetable for subsequent training sessions (dates to follow).

### **Mosquito Abatement District**

See Attached 2025 Amended Budget and 2026 Proposed Budget.

Also see the attached mosquito distribution report. Interesting to know is that Springdale is the ONLY town in the service district that shows any captures of the *Culex Apicalis* variety. All 245 captures were at the Springdale pond (behind the Springhill Suites). The Apicalis is not a known vector of disease, especially in our area. It primarily feeds on amphibians, which are not carriers of WNV or many of the other diseases. Birds are the main reservoir for WNV. A single hatch out is typical, taken care of quickly with spot fogging and regular treatments.



## 2025 Amended Budget

| <u>General Fund</u>                | <u>2023 Amended</u> | <u>2024 Amended</u> | <u>2025 Original</u> | <u>2025 Year to</u> | <u>2025 Amended</u> | <u>2025 Year to</u>    |
|------------------------------------|---------------------|---------------------|----------------------|---------------------|---------------------|------------------------|
|                                    | <u>Budget</u>       | <u>Budget</u>       | <u>Budget</u>        | <u>Date</u>         | <u>Budget</u>       | <u>Date (inc. Nov)</u> |
| <b>TOTAL REVENUE</b>               | 915,471             | 960,000             | 970,000              | 170,503             | 1,006,000           | 775,389                |
| Current Property Tax               | 791,071             | 815,149             | 815,149              | 50,636              | 849,815             | 650,556                |
| Fee Assessed Taxes                 | 40,000              | 45,000              | 50,000               | 40,913              | 50,000              | 44,083                 |
| Misc Tax Collection                | 4,500               | 4,500               | 4,500                | 540                 | 600                 | 738                    |
| Prior Year Property Tax Redemption | 23,000              | 30,000              | 30,000               | 31,962              | 40,000              | 33,451                 |
| Penalties and Interest             | 2,000               | 4,000               | 4,000                | 3,135               | 3,000               | 3,242                  |
| Intergovernmental Revenue          |                     | 340                 |                      | -                   | -                   | -                      |
| Equipment Revenue                  | 5,000               | 8,060               | 8,000                | 10,000              | 10,000              | 10,000                 |
| Interest Income (PTIF General)     | 30,000              | 40,000              | 45,000               | 33,318              | 40,000              | 33,318                 |
| CDA/RDA Taxes                      | 17,900              | 12,000              | 12,000               | -                   | 12,000              | -                      |
| Misc Revenue                       | 2,000               | 951                 | 1,351                | -                   | 585                 | -                      |
| Fund Balance Appropriations        |                     | -                   |                      | -                   | -                   | -                      |

|                              | <u>2023 Amended</u> | <u>2024 Amended</u> | <u>2025 Original</u> | <u>2025 Year to</u>    | <u>2025 Amended</u> | <u>Balance of</u> |
|------------------------------|---------------------|---------------------|----------------------|------------------------|---------------------|-------------------|
|                              | <u>Budget</u>       | <u>Budget</u>       | <u>Budget</u>        | <u>Date (inc. Nov)</u> | <u>Budget</u>       | <u>Budget</u>     |
| <b>TOTAL EXPENSES</b>        | 915,471             | 960,000             | 970,000              | 773,626                | 1,006,000           | 132,374           |
| Salary & Wages               | 385,000             | 470,000             | 545,000              | 461,790                | 545,000             |                   |
| Over Time Wages              | 0                   | 0                   |                      | 0                      |                     |                   |
| Employee Benefits            | 171,000             | 185,000             | 165,000              | 134,485                | 158,000             |                   |
| Unemployment Benefits        | 5,000               | 5,000               | 5,000                | 0                      | 0                   |                   |
| Public Notices               | 500                 | 500                 | 500                  | 0                      | 0                   |                   |
| Office Supplies              | 2,500               | 2,500               | 2,500                | 2,152                  | 2,500               |                   |
| Utilities                    | 3,000               | 4,000               | 4,000                | 2,978                  | 4,000               |                   |
| Telephone                    | 3,000               | 3,000               | 3,000                | 911                    | 3,200               |                   |
| Professional Services        | 33,000              | 35,000              | 35,000               | 33,942                 | 38,000              |                   |
| Building Maintenance         | 10,000              | 1,000               | 5,000                | 94                     | 100                 |                   |
| Surveillance                 | 9,000               | 6,000               | 8,000                | 6,627                  | 7,000               |                   |
| Lab                          | 3,000               | 6,000               | 3,000                | 1,977                  | 2,000               |                   |
| Education & Training         | 12,000              | 18,000              | 18,000               | 13,952                 | 18,000              |                   |
| Scholarships                 | 6,000               | 1,500               | 6,000                | -                      | 0                   |                   |
| Pesticides                   | 35,000              | 30,000              | 30,000               | 12,435                 | 13,000              |                   |
| Insurance                    | 13,000              | 13,000              | 15,000               | 12,826                 | 13,000              |                   |
| Vehicle Operations           | 26,000              | 32,000              | 32,000               | 21,097                 | 25,000              |                   |
| Misc Expenses                | 2,500               | 2,000               | 3,000                | 692                    | 3,000               |                   |
| Safety                       | 2,000               | 2,000               | 3,000                | 1,754                  | 2,200               |                   |
| Equipment Purchase           | 64,000              | 5,000               | 50,000               | 59,550                 | 60,000              |                   |
| Equipment under \$1,000      | 12,000              | 10,000              | 8,000                | 6,363                  | 7,000               |                   |
| CDA/RDA Remittance Expenses  | 17,900              | 10,600              | 12,000               | 0                      | 5,000               |                   |
| Contingent Expense           | 71                  | 17,900              | 17,000               | 0                      | 0                   |                   |
| Transfer to Capital Projects | 100,000             | 100,000             |                      |                        | 100,000             |                   |
| Bond Issuance Cost           | 0                   | 0                   |                      | 0                      |                     |                   |

| <u>Capital Projects Funds</u> | <u>2023 Amended</u> | <u>2024 Amended</u> | <u>2025 Original</u> | <u>2025 Year to</u>    | <u>2025 Amended</u> |
|-------------------------------|---------------------|---------------------|----------------------|------------------------|---------------------|
|                               | <u>Budget</u>       | <u>Budget</u>       | <u>Budget</u>        | <u>Date (inc. Nov)</u> | <u>Budget</u>       |
| <b>TOTAL REVENUE</b>          | 140,132             | 145,000             |                      | 43,466                 | 150,000             |
| Transfer from Fund Balance    | 0                   | 0                   |                      | 0                      |                     |
| Transfer from General Fund    | 100,000             | 100,000             |                      | 0                      | 100,000             |
| Interest Income               | 40,132              | 45,000              | 30,000               | 43,466                 | 50,000              |
| <b>TOTAL EXPENDITURES</b>     | 0                   | 5,000               |                      | 0                      | 150,000             |
| Misc Expenses                 | 0                   | 0                   |                      | 0                      | 0                   |
| Contingent Capital Projects   | 0                   | 5,000               |                      | 0                      | 150,000             |



## 2026 Proposed Budget

| <i>General Fund</i>                | <u>2023</u>   | <u>2024</u>   | <u>2025</u>     | <u>2025 Year-</u> | <u>2026</u>     | Notes     |
|------------------------------------|---------------|---------------|-----------------|-------------------|-----------------|-----------|
|                                    | <u>Actual</u> | <u>Actual</u> | <u>Original</u> | <u>to Date</u>    | <u>Proposed</u> |           |
| <b>TOTAL REVENUE</b>               | 887,975       | 956,039       | 970,000         | 775,389           | 1,011,000       |           |
| Current Property Tax               | 764,114       | 814,637       | 815,149         | 650,556           | 849,815         | <tax rate |
| Fee Assessed Taxes                 | 48,653        | 51,565        | 50,000          | 44,083            | 50,000          |           |
| Misc Tax Collection                | 8,122         | 3,312         | 4,500           | 738               | 3,500           |           |
| Prior Year Property Tax Redemption | 21,288        | 32,563        | 30,000          | 33,451            | 31,000          |           |
| Penalties and Interest             | 899           | 3,460         | 4,000           | 3,242             | 3,500           |           |
| Intergovernmental Revenue          | 291           | 340           | 0               | 0                 | 0               |           |
| Equipment Revenue                  | 33,786        | 8,060         | 8,000           | 10,000            | 15,000          |           |
| Interest Income                    | 8,821         | 42,052        | 45,000          | 33,318            | 45,000          |           |
| CDA/RDA Taxes                      | 0             | 0             | 12,000          | 0                 | 12,000          |           |
| Misc Revenue                       | 2,001         | 50            | 1,351           | 0                 | 1,185           |           |
| Fund Balance Appropriations        | 0             | 0             | 0               | 0                 | 0               |           |

|                              |         |         |         |         |           |  |
|------------------------------|---------|---------|---------|---------|-----------|--|
| <b>TOTAL EXPENSES</b>        | 757,864 | 839,332 | 970,000 | 873,626 | 1,011,000 |  |
| Salary & Wages               | 345,758 | 452,318 | 545,000 | 461,790 | 565,000   |  |
| Employee Benefits            | 124,835 | 146,053 | 165,000 | 134,485 | 165,000   |  |
| Unemployment Benefits        | 353     | 0       | 5,000   | 0       | 5,000     |  |
| Public Notices               | 0       | 0       | 500     | 0       | 500       |  |
| Office Supplies              | 2,143   | 2,181   | 2,500   | 2,152   | 2,500     |  |
| Utilities                    | 4,136   | 3,880   | 4,000   | 2,978   | 4,000     |  |
| Telephone                    | 1,673   | 1,981   | 3,000   | 911     | 4,000     |  |
| Professional Services        | 28,649  | 29,640  | 35,000  | 33,942  | 45,000    |  |
| Building Maintenance         | 256     | 201     | 5,000   | 94      | 5,000     |  |
| Surveillance                 | 3,904   | 5,584   | 8,000   | 6,627   | 8,000     |  |
| Lab                          | 4,401   | 2,520   | 3,000   | 1,977   | 3,000     |  |
| Education & Training         | 10,659  | 16,163  | 18,000  | 13,952  | 18,000    |  |
| Scholarships                 | -       | 1,500   | 6,000   | -       | 6,000     |  |
| Pesticides                   | 29,273  | 23,786  | 30,000  | 12,435  | 40,000    |  |
| Insurance                    | 15,632  | 12,107  | 15,000  | 12,826  | 17,000    |  |
| Vehicle Operations           | 23,234  | 25,843  | 32,000  | 21,097  | 40,000    |  |
| Misc Expenses                | 1,995   | 1,438   | 3,000   | 692     | 3,000     |  |
| Safety                       | 938     | 1,056   | 3,000   | 1,754   | 3,000     |  |
| Equipment Purchase           | 40,965  | 4,489   | 50,000  | 59,550  | 60,000    |  |
| Equipment under \$1,000      | 6,160   | 8,591   | 8,000   | 6,363   | 8,000     |  |
| CDA/RDA Remittance Expenses  | 12,900  | 0       | 12,000  | 0       | 4,000     |  |
| Contingent Expense           | 0       | 0       | 17,000  | 0       | 5,000     |  |
| Transfer to Capital Projects | 100,000 | 100,000 | 0       | 100,000 | 0         |  |
| Bond Issuance Cost           | 0       | 0       | 0       | 0       | 0         |  |

| <i>Capital Projects Fund</i> | <u>2022</u>   | <u>2024</u>   | <u>2025</u>     | <u>2025 Year-</u> | <u>2026</u>     |
|------------------------------|---------------|---------------|-----------------|-------------------|-----------------|
|                              | <u>Actual</u> | <u>Actual</u> | <u>Original</u> | <u>to Date</u>    | <u>Proposed</u> |
| <b>TOTAL REVENUE</b>         | 111,337       | 149,340       | 30,000          | 43,466            | 50,000          |
| Transfer from Fund Balance   |               |               |                 |                   |                 |
| Transfer from General Fund   | 100,000       | 100,000       |                 |                   |                 |
| Interest Income              | 11,337        | 49,340        | 30,000          | 43,466            | 50,000          |
| <b>TOTAL EXPENSES</b>        | 0             | 0             | 5,000           | 0                 | 5,000           |
| Misc Expense                 |               |               |                 |                   |                 |
| Contingent Capital Projects  | 0             | 0             | 5,000           | 0                 | 5,000           |

# Mosquito Distribution Chart- 2025

| Trapping Locations          |  | Mosquito Species |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | Positive WNV/WEE/SLE |   |
|-----------------------------|--|------------------|------------|------------------|---------------|--------------|--------------|--------------|-------------------|----------------------|--------------|---------------|--------------|--------------|----------------|------------------|--------------|----------------|---------------|-----------------|----------------------|---|
|                             |  | Ae. aegypti      | Ae. vexans | An. franciscanus | An. freeborni | Cu. incidens | Cu. inornata | Cx. apicalis | Cx. erythrothorax | Cx. Quinquefasciatus | Cx. tarsalis | Cx. thriambus | Oc. dorsalis | Oc. epactius | Oc. increpitus | Oc. nigromaculis | Oc. pullatus | Oc. varipalpus | Or. signifera | Ps. signipennis |                      |   |
| St. George                  |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               | Totals          | 16113                |   |
| Dr. Free Clinic SGE002      |  | 1                | 1          | 7                |               | 41           |              | 1846         | 11                | 107                  | 2            |               |              |              |                |                  |              |                |               | 2016            |                      |   |
| Springs Park SGE003         |  | 2                | 3          | 47               |               | 34           |              | 565          | 6                 | 2848                 | 1            |               |              |              |                |                  |              |                |               | 3506            |                      |   |
| Springs River SGE003-2      |  | 1                | 1          | 34               |               | 15           |              | 446          | 14                | 1990                 |              |               |              |              |                |                  |              |                |               | 2501            |                      |   |
| Halfway Wash SGE007         |  |                  | 1          |                  |               | 4            |              | 622          | 5                 | 23                   | 1            |               |              |              |                |                  |              |                |               | 656             |                      |   |
| Ft. Pierce N. SGE008-2      |  |                  | 1          | 1                |               | 2            |              | 12           | 9                 | 374                  |              |               |              |              |                |                  |              |                |               | 399             |                      |   |
| Radio Towers SGE009         |  | 17               |            |                  |               | 2            |              | 5            | 2                 | 117                  |              |               |              |              |                |                  |              |                |               | 143             |                      |   |
| Radio Towers 2 SGE009-2     |  | 28               |            |                  |               | 47           |              | 93           | 9                 | 436                  | 1            |               |              |              |                |                  |              | 1              |               | 615             |                      |   |
| North Dixie Dr. SGE013      |  | 1                |            |                  |               | 17           |              | 923          | 35                | 85                   | 1            |               | 1            |              |                |                  |              |                |               | 1063            |                      |   |
| Nature Park SGE014          |  | 6                | 5          | 9                |               | 53           |              | 23           | 7                 | 317                  | 85           |               |              |              |                |                  |              |                |               | 505             |                      |   |
| Little Valley SGE015        |  | 1                |            |                  |               | 2            |              | 41           | 41                | 202                  | 1            |               |              |              |                |                  |              |                |               | 288             |                      |   |
| Rio Virgin Estates SGE016   |  |                  |            | 35               |               | 1            |              | 4            | 7                 | 64                   |              |               |              |              |                |                  |              |                |               | 111             |                      |   |
| Middleton SGE017            |  | 1                | 1          |                  |               | 35           |              | 2812         | 35                | 119                  |              |               |              |              |                |                  |              |                |               | 3003            |                      |   |
| Sunriver SGE018             |  |                  |            |                  |               |              |              | 1            |                   | 52                   |              |               |              |              |                |                  |              |                |               | 53              |                      |   |
| Mall Drive Bridge           |  | 1                | 1          | 28               |               | 4            |              | 83           | 8                 | 1129                 |              |               |              |              |                |                  |              |                |               | 1254            |                      |   |
| Extras & Service Requests   |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               | 0               |                      |   |
| Washington                  |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 7083                 |   |
| Animal Shelter WAS001       |  | 7                |            | 5                |               |              |              | 4            | 2                 | 28                   |              |               |              |              |                |                  |              |                |               | 46              |                      |   |
| PV Estates WAS002           |  | 3                | 2          | 14               |               | 12           |              | 19           | 11                | 347                  | 1            |               |              |              |                |                  |              |                |               | 409             |                      |   |
| Green Springs WAS005        |  |                  |            |                  |               |              |              | 61           | 3                 | 14                   |              |               |              |              |                |                  |              |                |               | 78              |                      |   |
| East Boiler WAS006          |  |                  |            |                  |               | 1            |              | 16           | 1                 | 8                    |              |               |              |              |                |                  |              |                |               | 26              |                      |   |
| Landfill Rd. WAS008         |  | 146              | 2          | 22               |               | 81           |              | 585          | 5                 | 187                  | 8            |               |              |              |                |                  |              |                |               | 1036            |                      |   |
| Diversion Dam WAS009        |  |                  |            |                  |               | 1            |              |              |                   | 3                    |              |               |              |              |                |                  |              |                |               | 4               |                      |   |
| Rock Spring WAS011          |  | 3261             | 27         | 232              |               | 91           |              | 944          | 1                 | 859                  | 69           |               |              |              |                |                  |              |                |               | 5484            | 3                    |   |
| Hurricane                   |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 548                  |   |
| End Of Road HUR007          |  |                  | 27         | 2                |               | 8            |              | 1            |                   | 35                   |              |               |              | 6            |                |                  |              |                |               | 79              |                      |   |
| Tractor Supply HUR008       |  | 291              | 1          |                  | 1             | 22           |              |              | 5                 | 39                   | 3            |               |              |              |                |                  |              |                |               | 362             |                      |   |
| Prob. Area 3000 S. HUR009   |  |                  | 51         |                  |               | 18           |              |              |                   | 23                   |              |               |              | 8            |                |                  |              | 7              |               | 107             |                      |   |
| Extras & Service Requests   |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               | 0               |                      |   |
| Santa Clara                 |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 1272                 |   |
| Arboretum SCL001            |  |                  | 1          | 40               |               | 13           |              | 16           | 2                 | 124                  |              |               |              |              |                |                  |              |                |               | 196             |                      |   |
| Lava Flow Wash SCL004       |  | 1                |            | 26               |               | 19           |              | 783          | 7                 | 46                   | 1            |               |              |              |                |                  |              |                |               | 883             |                      |   |
| Santa Clara River SCL005    |  |                  |            | 14               |               | 4            |              | 91           |                   | 84                   |              |               |              |              |                |                  |              |                |               | 193             |                      |   |
| Extras & Service Requests   |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               | 0               |                      |   |
| Ivins                       |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 1715                 |   |
| Fire Lake IVI003            |  |                  | 33         | 27               |               | 11           |              | 1169         |                   | 364                  | 111          |               |              |              |                |                  |              |                |               | 1715            |                      |   |
| Leeds                       |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 76                   |   |
| Jackson Rd. LEE003          |  |                  | 4          | 4                | 2             | 2            |              | 32           |                   | 26                   | 2            |               | 2            | 2            |                |                  |              |                |               | 76              |                      |   |
| LaVerkin                    |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 399                  |   |
| Confluence Park LAV001      |  | 26               | 159        | 11               |               | 28           |              | 1            |                   | 172                  | 2            |               |              |              |                |                  |              |                |               | 399             |                      |   |
| Toquerville                 |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 18                   |   |
| Toquerville Park TOQ002     |  |                  |            |                  |               |              |              |              |                   | 18                   |              |               |              |              |                |                  |              |                |               | 18              |                      |   |
| Virgin                      |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 1088                 |   |
| Sierra Bella VIR008         |  | 11               | 3          | 3                | 4             | 89           |              | 870          |                   | 102                  | 6            |               |              |              |                |                  |              |                |               | 1088            |                      |   |
| Outlying areas              |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 752                  |   |
| *Apple Valley APV001        |  |                  |            |                  |               |              |              |              |                   | 15                   |              |               |              |              |                |                  |              |                |               | 15              |                      |   |
| *Enterprise ENT003          |  |                  | 7          | 1                |               |              |              |              |                   | 8                    |              |               |              |              |                |                  |              |                |               | 16              |                      |   |
| *Hildale HIL002             |  | 2                | 1          |                  |               | 1            |              |              |                   | 9                    |              |               |              |              |                |                  |              |                |               | 13              |                      |   |
| *New Harmony NHA002- NHA003 |  | 6                | 30         | 58               | 7             | 26           |              | 55           |                   | 44                   |              |               | 2            |              |                |                  |              |                |               | 228             |                      |   |
| *Rockville ROC002-ROC004    |  | 2                |            |                  | 2             | 1            |              | 2            | 1                 | 20                   | 2            |               |              |              |                |                  |              |                |               | 30              |                      |   |
| Springdale SPR002           |  |                  | 6          | 15               | 31            | 54           | 241          | 4            | 1                 | 33                   | 12           |               | 2            |              |                |                  |              |                |               | 399             |                      |   |
| Extras & Service Requests   |  |                  | 2          | 1                |               |              |              | 5            |                   | 43                   |              |               |              |              |                |                  |              |                |               | 51              |                      |   |
| Service Requests            |  |                  |            |                  |               |              |              |              |                   |                      |              |               |              |              |                |                  |              |                |               |                 | 443                  |   |
| Extras & Service Requests   |  | 154              |            | 1                | 1             |              |              | 1            | 267               | 19                   |              |               |              |              |                |                  |              |                |               | 443             |                      |   |
| Totals                      |  | 156              | 3809       | 373              | 638           | 48           | 739          | 241          | 12135             | 495                  | 10533        | 309           | 0            | 0            | 7              | 16               | 0            | 0              | 0             | 8               | 29507                | 3 |

Notes: All amounts include males and females collected from all trap types in each location for the entire year.

\*Traps were set on alternating weeks or temporary sites

Color Key for amounts of mosquitoes

|       |         |
|-------|---------|
| 1-9   | 100-199 |
| 10-24 | 200-499 |
| 25-49 | 500-999 |
| 50-99 | 1000 +  |

Kyla Topham  
Council Department Report  
January 2026

January Council Report for Kyla Topham

URC- The hearing for part 2 of our application happened on Dec 16 and 17. As far as I hear, everything went as expected with good attendance, and we expect to hear an official decision in the next few months, either in full or in part. We are continuing to work on the evaluation of the bids with RMP and Energy Strategies.

Housing- I am just starting with this group, but the RFP for Trapper Circle has been sent out and we will hear presentations January 15.

CHC- I worked with a few group members to develop and distribute care packages to about 20 community members.

Community Development- A commemorative wall will be installed near the pioneer cemetery. We recently received our National Register plaque. Volunteer revegetation project is scheduled for January 31. A Zion History presentation is scheduled for the 30.

I reviewed and ranked manager applications and resumes.

Messaging- we are organizing locals' week in conjunction with the birthday on March 6. We are continuing to refine and develop community ID content in response to the survey.



| <b>2026 Council Department/Committee Liaisons</b> |                                                           |
|---------------------------------------------------|-----------------------------------------------------------|
| <b>Department/Committee</b>                       | <b>Council Member</b>                                     |
| Administration                                    | Barbara Bruno                                             |
| <i>Town Manager</i>                               |                                                           |
| <i>Clerk</i>                                      |                                                           |
| <i>Treasurer</i>                                  | <i>(Solid Waste Coordination)</i>                         |
| Community Development Department                  | Kyla Topham                                               |
| <i>Housing Committee</i>                          | Barbara Bruno and Kyla Topham                             |
| <i>Planning Commission</i>                        |                                                           |
| <i>Code Enforcement</i>                           |                                                           |
| <i>Historic Preservation Commission</i>           |                                                           |
| <i>Building Permits and Inspection</i>            |                                                           |
| Mayor pro tempore                                 | Jack Burns                                                |
| Parks and Recreation                              | Jack Burns                                                |
| <i>Canyon Community Center</i>                    |                                                           |
| <i>Town Parks</i>                                 |                                                           |
| <i>Trails</i>                                     |                                                           |
| <i>Events</i>                                     |                                                           |
| <i>Cemetery</i>                                   |                                                           |
| Police Department                                 | Barbara Bruno                                             |
| <i>Public Safety</i>                              |                                                           |
| <i>Parking</i>                                    |                                                           |
| Public Works                                      | Randy Aton                                                |
| <i>Utilities</i>                                  |                                                           |
| <i>Streets</i>                                    |                                                           |
| <b>Other</b>                                      | <b>Council Member</b>                                     |
| Art Review Board                                  | Jack Burns                                                |
| Community Health Coalition                        | Kyla Topham                                               |
| Emergency Preparedness                            | Pat Campbell                                              |
| Hurricane Valley Fire District                    | Randy Aton                                                |
| Irrigation Advisory Board                         | Barbara Bruno and Randy Aton                              |
| ULCT Legislative Policy Committee                 | Barbara Bruno, Pat Campbell, and Jack Burns               |
| Utah Renewable Energy Committee                   | Randy Aton & Kyla Topham                                  |
| Washington County Arts Council / Art Review Board | Jack Burns                                                |
| Washington County Council on Aging                | Barbara Bruno                                             |
| Washington County Mosquito Abatement Board        | Pat Campbell                                              |
| Washington County Solid Waste Board               | Jack Burns                                                |
| Zion Regional Collaborative                       | Barbara Bruno, Jack Burns                                 |
|                                                   | <i>for Council review and approval at 1/14/26 meeting</i> |

**Town of Springdale**  
**12/01/25 - 12/31/25**

| Invoice No.    | Vendor                                               | Input Date | Amount       | Description                                                |
|----------------|------------------------------------------------------|------------|--------------|------------------------------------------------------------|
| 467975         | Applied Concepts Inc.                                | 12/3/2025  | \$ 3,435.00  | New Police Radar                                           |
| 12671          | Budd Lee & Sons                                      | 12/26/2025 | \$ 2,792.70  | Road Base for Grafton/Goat Feed                            |
| 12/11/2025     | Donnelly, Matthew                                    | 12/26/2025 | \$ 1,600.00  | New Years Eve Entertainment                                |
| W16504         | Dorsett Technologies, Inc.                           | 12/3/2025  | \$ 3,224.00  | WTP Scada Repair                                           |
| 567874         | Employers Council                                    | 12/18/2025 | \$ 3,995.00  | Annual Membership Dues                                     |
| AI003946       | Flowbird America Inc.                                | 12/11/2025 | \$ 2,146.00  | Kiosk montly dues                                          |
| 11/15/2025     | Friedman, Emily                                      | 12/4/2025  | \$ 3,500.00  | ZRC Independent Contractor                                 |
| 12/15/2025     | Friedman, Emily                                      | 12/26/2025 | \$ 3,500.00  | ZRC Coordinator                                            |
| 7069           | Gencomm                                              | 12/26/2025 | \$ 2,500.00  | Processor Core Remanufacture and Install                   |
| 2156           | Genesis Construction                                 | 12/4/2025  | \$ 2,042.00  | Concrete Repair from Water Leak at the PO                  |
| 14756935       | Hach Company                                         | 12/11/2025 | \$ 3,533.00  | Filter Building                                            |
| 14743218       | Hach Company                                         | 12/11/2025 | \$ 2,230.00  | Filter Building                                            |
| 14761322       | Hach Company                                         | 12/18/2025 | \$ 8,145.00  | Sampler Filter Building                                    |
| 88949          | Mountain West Computers                              | 12/31/2025 | \$ 1,253.00  | Access at Public Works Shop/Parks Restroom/Filter Building |
| 251201         | Pelorus Methods, Inc.                                | 12/4/2025  | \$ 1,500.00  | Quarterly Support and Maintenance                          |
| 12/26/2025     | Player, Adrian                                       | 12/31/2025 | \$ 3,000.00  | CCC Refurbished Donor Wall                                 |
| 12/8/2025      | Rocky Mountain Power                                 | 12/18/2025 | \$ 7,781.39  | Monthly Electricity Expense                                |
| 12/01/25 WTP   | Rocky Mountain Power                                 | 12/18/2025 | \$ 1,368.90  | Electricity Expense - WTP                                  |
| 165114         | Snow Jensen & Reece                                  | 12/26/2025 | \$ 5,564.00  | Springdale v. Melanie Madsen                               |
| 164986         | Snow Jensen & Reece                                  | 12/26/2025 | \$ 10,666.56 | General Representation                                     |
| 164989         | Snow Jensen & Reece                                  | 12/26/2025 | \$ 546.00    | Springdale v. Springdale Lodging LLC                       |
| 163995         | Snow Jensen & Reece                                  | 12/4/2025  | \$ 14,403.00 | General Representation                                     |
| 163996         | Snow Jensen & Reece                                  | 12/4/2025  | \$ 30,945.00 | Springdale v Melanie Madsen                                |
| ARIV1008065    | Sunrise Engineering                                  | 12/18/2025 | \$ 1,950.50  | Church to Quail Sidewalk Project - Post Construction       |
| ARIV1008061    | Sunrise Engineering                                  | 12/18/2025 | \$ 8,990.00  | Virgin River Scoping Project                               |
| 2025400105566  | Thatcher Company                                     | 12/11/2025 | \$ 8,166.44  | Alum                                                       |
| 2025100117621  | Thatcher Company                                     | 12/11/2025 | \$ 9,051.66  | Sewer Filter Building                                      |
| 6552312 122925 | TransUnion Risk and Alternative Data Solutions, Inc. | 12/31/2025 | \$ 1,200.00  | TLO Investigative Software                                 |
| 1623708        | Utah Local Governments Trust                         | 12/15/2025 | \$ 1,653.52  | Workers Comp Premium                                       |
| 12/16/2025     | Valley Academy Charter School                        | 12/18/2025 | \$ 2,250.00  | Buses and Drivers for Butch Cassidy Race                   |
| 25110.001-1    | VCBO Architecture                                    | 12/26/2025 | \$ 38,875.00 | Medical Clinic Architectural                               |
| 135            | Vehicle Lighting Solutions                           | 12/4/2025  | \$ 1,323.78  | Prisoner Cage                                              |
| 6128694540     | Verizon Wireless                                     | 12/4/2025  | \$ 2,275.19  | Monthly Cell Phone Expense                                 |
| 6128694541     | Verizon Wireless                                     | 12/4/2025  | \$ 1,008.16  | Monthly Office Phone Expense                               |
| 6131210124     | Verizon Wireless                                     | 12/26/2025 | \$ 2,252.43  | Monthly Cell Phone Expense                                 |
| 2025 Elections | Washington County                                    | 12/26/2025 | \$ 1,764.10  | Primary and General Election Services                      |
| 12/1/2025      | Weiland, Zac                                         | 12/4/2025  | \$ 1,600.00  | Monthly Prosecutor Retainer                                |
| 10/25 6169238  | Zions Bank                                           | 12/19/2025 | \$ 1,062.62  | Monthly Merchant Account Fees                              |
| 10/25 6249573  | Zions Bank                                           | 12/19/2025 | \$ 2,505.03  | Monthly Merchant Account Fees                              |
| 12/01/25 DAWN  | Zions Bank Credit Card                               | 12/22/2025 | \$ 2,000.00  | Sponsorship for Wall Section                               |
| 12/01/25 RICK  | Zions Bank Credit Card                               | 12/22/2025 | \$ 1,184.50  | ICMA Conference Lodging                                    |
| 12/01/25 ROBYN | Zions Bank Credit Card                               | 12/22/2025 | \$ 1,507.00  | NYE Food Deposit                                           |

| Town of Springdale  |                        |            |               |                         |
|---------------------|------------------------|------------|---------------|-------------------------|
| 12/01/25 - 12/31/25 |                        |            |               |                         |
| Invoice No.         | Vendor                 | Input Date | Amount        | Description             |
| 12/01/25 ROBYN      | Zions Bank Credit Card | 12/22/2025 | \$ 2,678.78   | Butch Cassidy Supplies  |
| 12/01/25 ZAC        | Zions Bank Credit Card | 12/22/2025 | \$ 1,212.67   | Vehicle Tires/Servicing |
|                     |                        |            | \$ 214,181.93 |                         |



## ***Memorandum***

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 9, 2026  
**Re:** Public Hearing: Ordinance 2025-19 Amending Chapter 10-18 of the Town Code by Adding a Requirement for Enhanced Buffering and Screening on Commercial Properties Adjacent to Residential Uses.

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### ***Introduction and Background***

Land Use and Town Appearance Sub-Goal F1 of the General Plan directs the Planning Commission to develop enhanced screening and buffering standards for new commercial development adjacent to residential uses. The Commission has discussed this topic in previous work meetings and has recommended proposed ordinance language to add to the Town Code.

The Planning Commission's proposed ordinance would add a requirement for "buffer yards" where commercial property is developed adjacent to residential properties. A buffer yard is a requirement for enhanced setback plus landscaping intended to mitigate the negative impacts of commercial uses adjacent to residential uses. They are a common element in many land use codes from communities across the nation. The Commission used examples from other communities as well as best practices currently observed in Springdale to develop the proposed buffer yard ordinance.

The Council should review the proposed ordinance language, hold a public hearing to accept public comment, then make a decision whether or not to adopt the proposed ordinance.

### ***Summary of Proposed Changes***

The landscape ordinance currently has minimal standards that require use of landscape to screen certain components of a development (e.g. parking, mechanical equipment, etc.). However, there are no quantifiable standards for such screening. Additionally, there are other more general impacts associated with commercial uses (noise, light, general activity, etc.) that are not addressed by the Town's current landscape screening standards. The proposed ordinance will add specific requirements to use a combination of enhanced landscape and setbacks to help mitigate the general impacts of commercial uses adjacent to residential properties.

The proposed ordinance contains three options a property owner can choose from to satisfy the buffer yard requirement on the property. These three options vary in the width of the buffer and the amount of landscape required. Option One is a narrow buffer with a tall fence and dense tall vegetative screening requirement. Option Two is a wider buffer with a requirement for a combination of berm and fencing, with a moderate amount of vegetative screening. Option Three is the widest buffer, and requires more landscaping and no fence.

These three options are described in detail below.

#### Buffer Yard Option 1

This buffer yard is the narrowest concept. It is intended to allow development flexibility on smaller lots that don't have enough space for a larger buffer. Given the narrow nature of the buffer, it requires a taller fence and more dense vertical vegetation to mitigate the negative impacts of the commercial use.

#### Buffer Yard Option 2

This option requires a mix of berms, fences, and vegetation. The average required width is 20 feet, however the buffer yard can vary in width from a minimum of 15 feet to a maximum of 25 feet to allow flexibility and creativity in design. (Note: the property owner could choose to make the buffer wider than 25 feet, but would only get credit for 25 feet of width. This prevents a situation where a property owner could use a very wide section of buffer to average out more narrow buffers and still meet the 20 foot average requirement.)

#### Buffer Yard Option 3

This is the widest buffer. It uses additional width and increased vegetation to mitigate the impacts of the adjacent commercial use. Like Option 2, the width of the buffer yard can vary, as long as the average is 35 feet.

The three buffer yard options are presented in conceptual sketches intended to accompany the written ordinance language.

The proposed ordinance allows a property owner to choose which buffer yard option to develop. However, the ordinance also requires the owner of the commercial property where the buffer yard is located to consult with the owner of the adjacent residential property regarding the buffer yard style. The adjacent residential property owner cannot dictate which buffer yard to use. But a requirement to consult with the adjacent residential property owner will allow for more open communication and hopefully result in better buffer yard design.

As originally proposed, the buffer yard requirement would have applied to all commercial property adjacent to residential property. During the public hearing review of the ordinance the Commission discussed a public comment letter that suggested the buffer zone requirement should not apply if the commercial property in question were developed with a residential use (residential uses are allowed in the commercial zones). The writer of the comment felt that commercial property developed with a housing use, including transient lodging, should not be subject to the buffer yard requirement. The Commission agreed that a buffer yard should not be required between two properties developed with a residential use. However, they did feel a property with a transient lodging use should be required to have a buffer from the adjacent residential property. The version of the proposed ordinance included with this report reflects the revisions the Commission made at the meeting.

### **General Plan Direction**

According to section 10-3-2(A), the Town should only make amendments to the land use ordinance when such amendments will support the goals and objectives of the land use ordinance and General Plan. Thus, the Council should consider whether or not the proposed buffer yard requirement for commercial properties adjacent to residential properties will promote these goals and objectives.

The General Plan emphasizes the primacy of the residential character of the Town. The General Plan also contains multiple statements about promoting village atmosphere. One of the fundamental tenants of the Plan is to guide new development to preserve the Town's village character and residential feel. The buffer yard requirement is intended to help protect residential properties adjacent to commercial properties and to promote a residential feel in the community.

Specifically, the Land Use and Town Appearance General Goal of the General Plan states:

*The Town will manage the type, size, scale, intensity (e.g., density), and appearance of new growth and development to enhance the unique character of Springdale's built environment, preserve views of the natural landscape, **reduce impacts on existing residents** and businesses, and protect natural and cultural resources. (emphasis added)*

Adding a buffer yard requirement to the Town Code is one strategy to help reduce the impact of new commercial development on the Town's existing residents.

General Plan Land Use and Town Appearance Sub-Goal F is even more direct regarding the need to protect residential neighborhoods from the impacts of commercial development. One of the strategies suggested in this Sub-Goal is:

*The Planning Commission will require enhanced screening and buffering on commercial properties adjacent to residential uses as a condition of development approval for new commercial development.*

The proposed buffer yard requirement is a direct implementation of this General Plan directive.

### **Public Comment**

The Planning Commission received one public comment letter regarding the proposed ordinance, referenced above. This comment letter is attached to this report. No further public comment has been submitted as of the date of this report.

### **Planning Commission Action**

The Planning Commission considered this item in the December 3, 2025 meeting. The Commission recommended approval of the proposed ordinance, as recorded in the motion below:

Motion made by Jennifer McCulloch that the Planning Commission recommends approval of the proposed ordinance revision to add buffer yard requirements for new commercial development adjacent to residential properties, as discussed in the Commission's December 3, 2025, meeting. This motion is based on the following findings:

1. The ordinance revision fulfills Land Use and Appearance Sub-Goal F1 of the General Plan for the Planning Commission to develop enhanced screening and buffering standards for new commercial development adjacent to residential uses.

The motion includes the following conditions:

1. Item A2 language is to read "Landscape buffer yards shall be located on the outer perimeter of a property with a commercial use, including transient lodging, when the property line is adjacent to a property in the Foothill Residential Zone (FR), Valley Residential Zone (VR), or an overlay zone with a primarily residential use. Landscape buffer yards shall extend to the property of the boundary."  
Second by Paul Zimmerman.

Discussion of the motion: There was no additional discussion.

Vote on Motion:

Kenaston: Aye

Zimmerman: Aye

McCulloch: Aye

LaBorde: Aye

Bhatti: Aye

The motion passed unanimously.



## ORDINANCE 2025-19

### **Amending Chapter 10-18 of the Town Code by Adding a Requirement for Enhanced Buffering and Screening on Commercial Properties Adjacent to Residential Uses**

**Whereas**, the Town of Springdale Planning Commission and Town Council find it necessary to the Town's village character to protect residential uses from the probable impacts of adjacent commercial uses, such as increased light and noise, loss of privacy, and other impacts, and

**Whereas**, the Town of Springdale General Plan directs the Planning Commission to develop strategies for enhanced buffering between commercial uses and residential uses to mitigate these impacts (see General Plan Land Use and Town Appearance Sub-Goal F), and

**Whereas**, in fulfillment of the General Plan direction the Planning Commission has proposed that all new commercial development be required to include a landscape buffer yard where the development is adjacent to residential property, and

**Whereas**, the Town Council desires to add the buffer yard requirement to the Land Use Ordinance as part of the landscape standards, and

**Whereas**, the necessary processes and procedures to amend the Land Use Ordinance, including the requirement to hold public hearings, have been satisfied,

**Now therefore be it ordained** by the Springdale Town Council that section 10-18-6.5 is added to the Land Use Ordinance and shall read as follows:

#### **10-18-6.5: LANDSCAPE BUFFER YARDS**

A landscape buffer yard is required on all boundaries of a property in the CC or VC zone developed with a commercial use that is adjacent to any property in the FR or VR zone, including all FR and VR sub-zones, or any overlay zone with a primarily residential use. Landscape buffer yards shall meet the requirements of this section. The area of the landscape buffer yard shall be included when calculating the total amount of landscape on the property for compliance with section 10-18-4(A). The quantity of trees, shrubs, and groundcover in a landscape buffer yard shall be included when calculating the total amount of trees, shrubs, and groundcover on a property for compliance with section 10-18-4(C).

- A. General Landscape Buffer Yard Requirements: All landscape buffer yards shall meet the following requirements:



1. Landscape buffer yards shall be located entirely within the commercial property to which they pertain. No portion of an adjacent property or right-of-way shall be considered part of the landscape buffer yard.
  2. Landscape buffer yards shall be located on the outer perimeter of a property with a commercial use, including transient lodging, wherever the property is adjacent to a property in the FR zone, VR zone, or an overlay zone with a primarily residential use. Landscape buffer yards shall extend to the property boundary.
  3. Properties in the CC or VC zone developed with a residential use are not required to include a landscape buffer yard.
  4. The owner of the property where the landscape buffer yard is located shall be responsible for the ongoing care and maintenance of the landscape buffer yard. If any required vegetation in the landscape buffer yard dies, the property owner shall replace the vegetation with vegetation of the same type within four months.
  5. A landscape buffer yard may be used only for the following uses and purposes:
    - a. Landscaping and buffering from adjacent properties.
    - b. Stormwater management, but only in conjunction with Low Impact Design stormwater management techniques.
    - c. Underground utility lines and appurtenances, but only when they do not impair the buffering function of the landscape buffer yard.
  6. None of the following may be located in a landscape buffer yard:
    - a. Buildings or structures, except fences as required by landscape buffer yard standards.
    - b. Parking areas, including parking access lanes, backing space for parking areas, and other areas associated with parking.
    - c. Driveways, fire lanes, fire apparatus turnarounds, loading areas, storage areas, or other similar improvements.
    - d. Dumpsters, trash storage enclosures, recycling bins, composting bins, or similar items.
    - e. Mechanical or electrical equipment such as air conditioning units, generators, etc.
    - f. Recreation and leisure areas such as walkways, paths, benches, courtyards, patios, decks, and similar improvements.
    - g. Commercial uses such as outdoor dining, open air displays, signage, etc.
- B. Coordination with Adjacent Property Owners: There are three landscape buffer yard options available to a property owner to satisfy the landscape buffer yard requirement on a property. The owner of the property requiring the landscape buffer yard shall choose the landscape buffer yard option that provides the best buffering and screening to adjacent residential properties, based on the nature and character of both the commercial property and the adjacent residential property. Commercial property owners should work cooperatively with owners of adjacent residential properties to determine which of the landscape buffer yard options provides the most effective buffering. Ultimately, the commercial property owner is responsible for selecting

the landscape buffer yard option that will be developed on the property. However, as part of the landscape plan submittal required in section 10-18-3, the commercial property owner must submit documentation of all attempts to communicate and cooperate with all adjacent residential property owners regarding their opinions on the landscape buffer yard option selected.

C. Landscape buffer yard Options: An owner of property that requires a landscape buffer yard may select any of the three following options to satisfy the landscape buffer yard requirement, subject to communication with the adjacent residential property owners as outlined in paragraph B above:

1. Option 1 - Wall or fence, and trees.

- a. Landscape buffer yard width must be a minimum of 10 feet.
- b. A fence or wall must be placed on the property line.
  - i. The wall or fence must be eight feet in height, unless the adjacent residential property owner requests a lower height. In no instance shall the wall or fence be less than six feet in height.
  - ii. The wall or fence must be completely solid and opaque.
  - iii. The wall or fence may not encroach onto the adjacent property.
  - iv. The wall or fence must be made of one of the following materials:
    1. Block or concrete with a stucco or stone veneer facing.
    2. Rusted metal.
    3. Wood.
- c. A minimum of five canopy or evergreen trees must be planted within every 100 foot length of landscape buffer yard.
  - i. The trees must be a species selected from the Town's approved plant list.
  - ii. The trees must be projected to reach a minimum height of 25 feet at maturity, unless as provided below:
    1. If in the consultation and communication process established in section 10-18-6.5(B) the owner of an adjacent property requests trees with a mature height less than 25 feet, the trees required in the buffer yard may have a reduced height. Written evidence of the residential property owner's request for a tree of lower height must be submitted as part of the landscape plan.

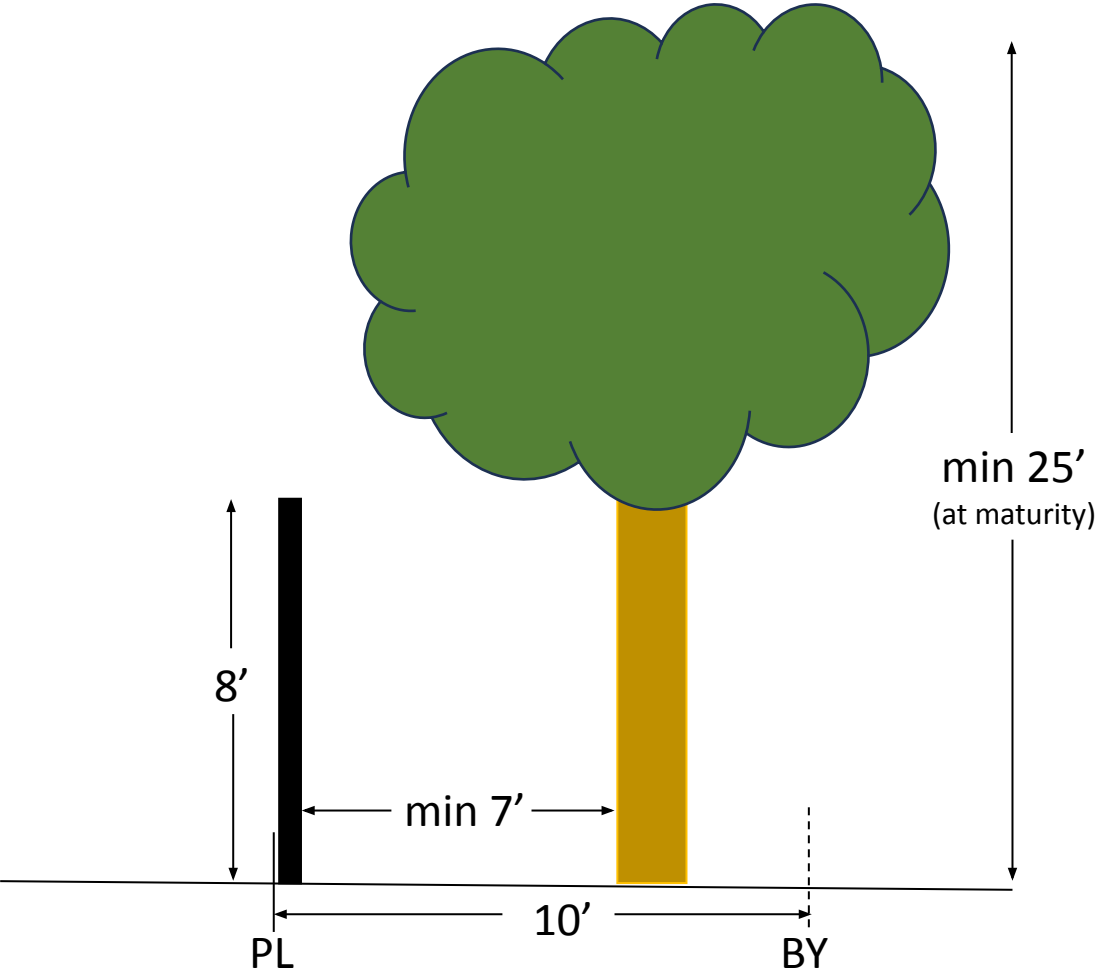
2. Option 2 - Wall or fence, and berm.

- a. Landscape buffer yard width must average a minimum of 20 feet within every 100 feet of landscape buffer yard length.
  - i. The landscape buffer yard may vary in width to better accommodate the natural or topographic nature of the property, or to provide more effective buffering to adjacent property.
  - ii. The minimum width of the landscape buffer yard may be no less than 15 feet.

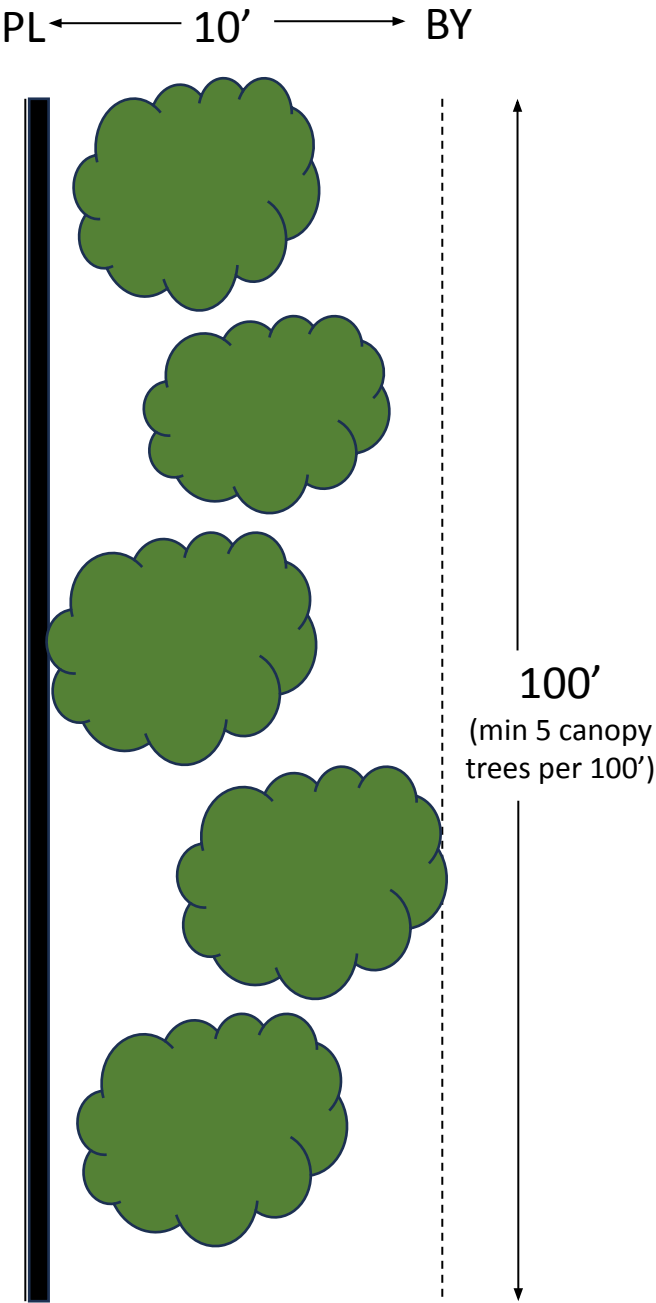
- iii. No more than 25 feet of landscape buffer yard width shall be used to calculate the average width.
  - b. A landscaped berm must run the entire length of the landscape buffer yard.
    - i. The berm must be a minimum of four feet in height.
  - c. A solid and opaque wall or fence must be placed on top of the berm.
    - i. The combined height of the wall or fence plus berm must be at least seven feet.
    - ii. The wall or fence must be made of one of the following materials:
      - 1. Block or concrete with a stucco or stone veneer facing.
      - 2. Rusted metal.
      - 3. Wood.
    - iii. The wall or fence must run the entire length of the landscape buffer yard, and must be discontinuous and staggered within the width of the landscape buffer yard.
      - 1. Each discontinuous section must have a minimum two foot overlap along the long axis of the landscape buffer yard with the subsequent section.
      - 2. The maximum distance between each discontinuous section as measured across the short axis of the landscape buffer yard is four feet.
  - d. The berm must be landscaped as follows:
    - i. A minimum of four canopy or evergreen trees must be planted within every 100 foot length of landscape buffer yard.
      - 1. The trees must be a species selected from the Town's approved plant list.
      - 2. The trees must be projected to reach a minimum height of 15 feet at maturity.
      - 3. Trees must be placed between the wall or fence and the nearest property boundary.
    - ii. A minimum of 40% of the area between the wall or fence and the nearest property boundary must be covered in low maintenance, drought tolerant shrubs and/or perennial flowers selected from the Town's approved plant list.
- 3. Option 3 - Wide landscape buffer yard
  - a. Landscape buffer yard width must average a minimum of 35 feet within every 100 feet of landscape buffer yard length.
    - i. The landscape buffer yard may vary in width to better accommodate the natural or topographic nature of the property, or to provide more effective buffering to adjacent property.
    - ii. The minimum width of the landscape buffer yard may be no less than 25 feet.

- iii. No more than 45 feet of landscape buffer yard width shall be used to calculate the average width.
- b. A minimum of three canopy or evergreen trees must be planted within every 100 foot length of landscape buffer yard.
  - i. The trees must be a species selected from the Town's approved plant list.
  - ii. The trees must be projected to reach a minimum height of 15 feet at maturity.
- c. A minimum of 14 large shrubs must be planted within every 100 foot length of landscape buffer yard.
  - i. The shrubs must be a species selected from the Town's approved plant list.
  - ii. The shrubs must be projected to reach a minimum height of three feet at maturity.
- d. A minimum of six large sandstone boulders must be placed within every 100 foot length of landscape buffer yard.
  - i. The boulders must be a red or buff color, consistent with the color of naturally occurring sandstone visible from Springdale.
  - ii. The boulders must measure a minimum of 30 inches in their smallest diameter.
- e. A minimum of 30% of the area of the landscape buffer yard must be covered in low maintenance, drought tolerant shrubs and/or perennial flowers selected from the Town's approved plant list.

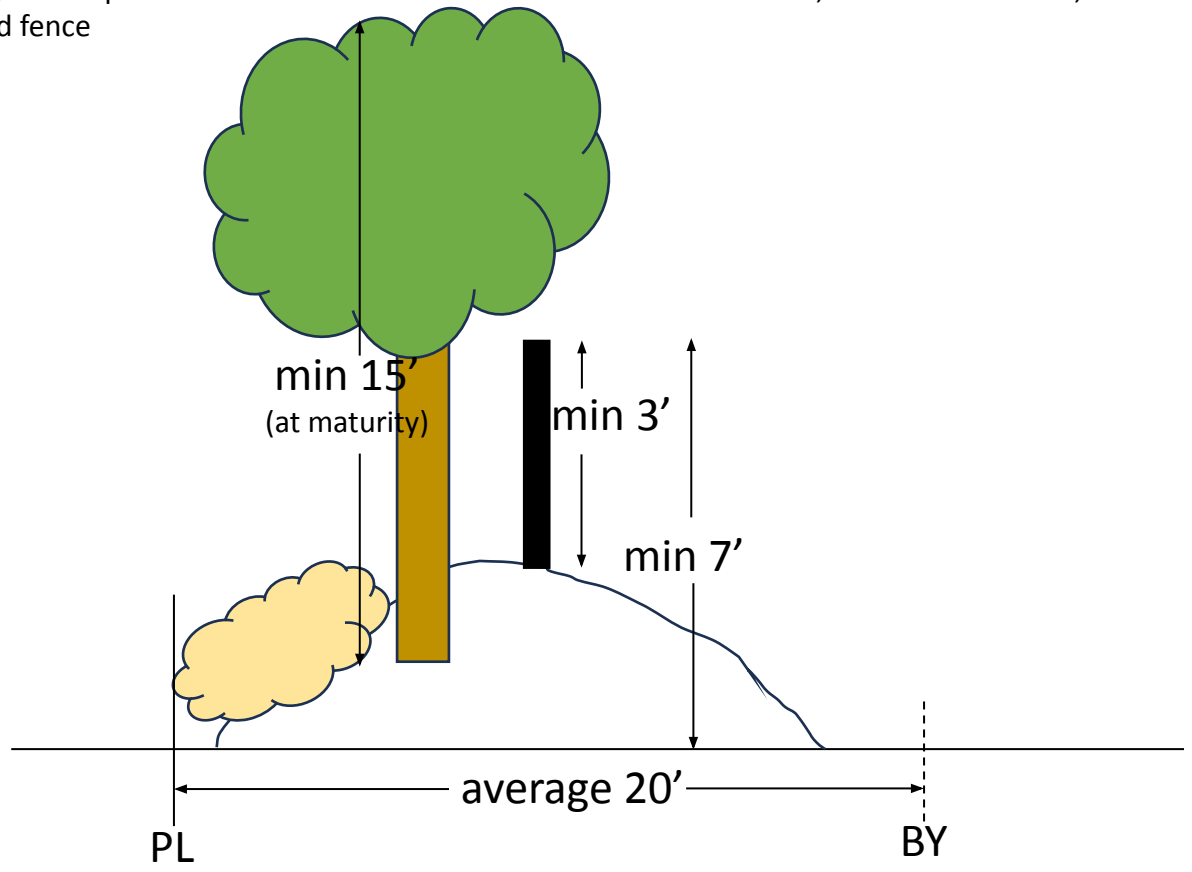
- Min 5 large canopy or evergreen trees per 100'
- Trees must be placed on the interior side of the wall/fence (relative to the subject property)
- Wall/fence must be completely solid and opaque, 8' in height, placed completely inside the subject property (i.e. not straddling the property line).
- Wall/fence options: block or concrete wall with stucco or stone face, rusted metal fence, wood fence



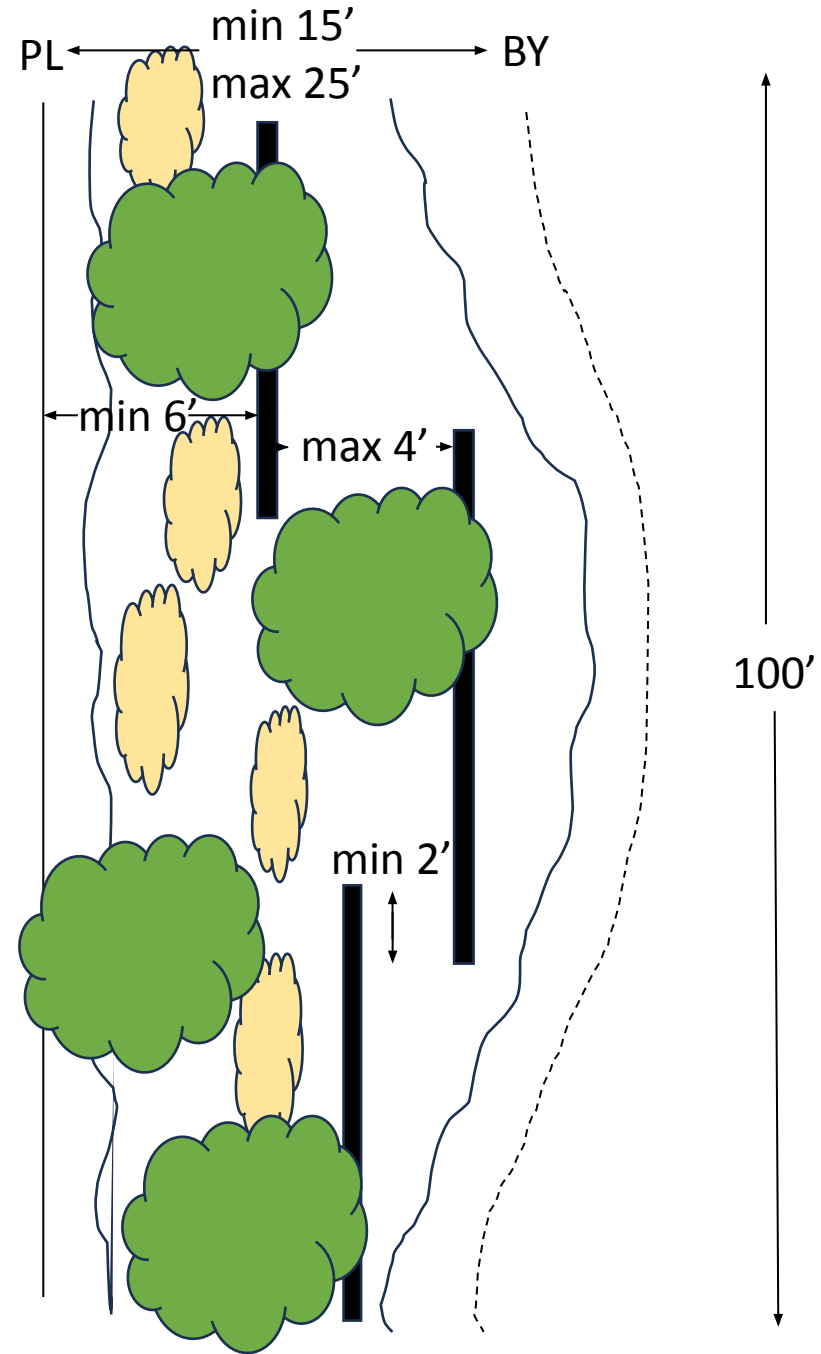
**OPTION 1**



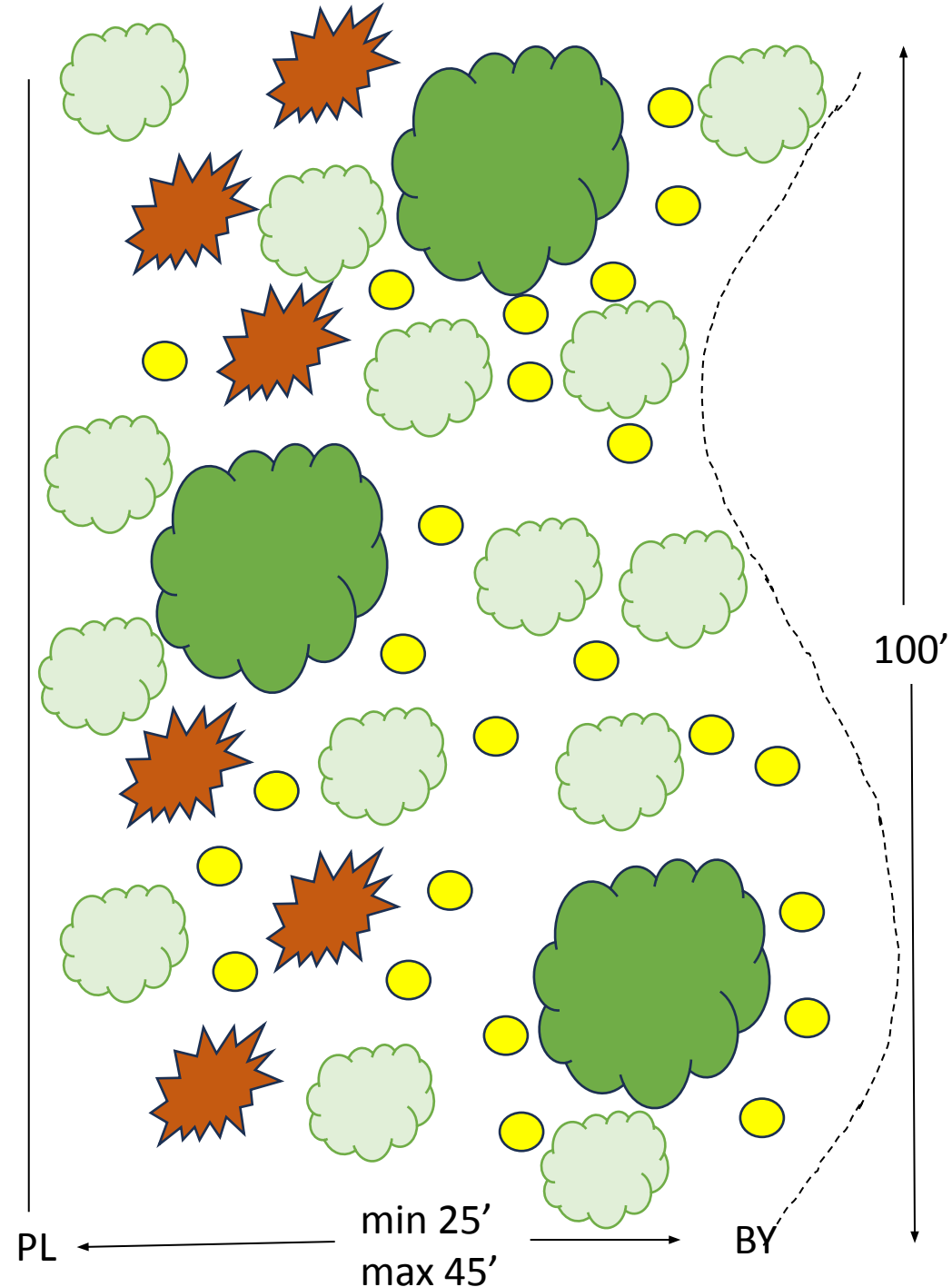
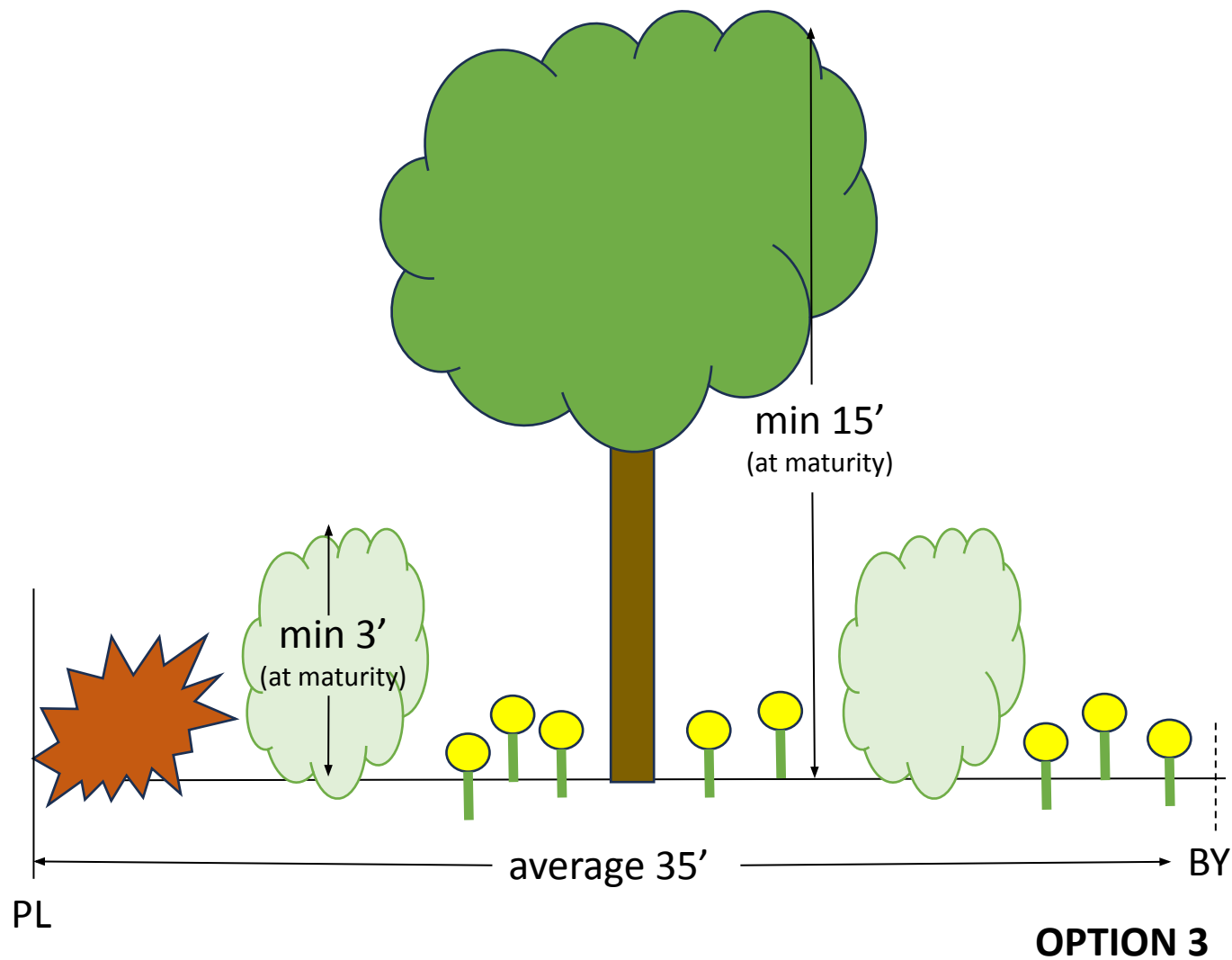
- Min 4 medium trees per 100'
- Trees must be placed on the berm, and on the exterior side of the wall/fence (relative to the subject property)
- Buffer yard width must average min 20' in every 100' length
- Min 40% of area on exterior of wall/fence covered with low maintenance, drought tolerant shrubs/flowers
- Wall/fence must be completely solid and opaque, minimum 3' tall – combination of berm and fence must be minimum 7' tall
- Wall/fence must be discontinuous. Discontinuous sections must have min 2' overlap and may not be separated from other sections by more than 4'
- Wall/fence options: block or concrete wall with stucco or stone face, rusted metal fence, wood fence



**OPTION 2**



- Min 3 medium trees (15' at maturity) trees per 100'
- Buffer yard width must average min 35' in every 100' length
- Min 14 vertical shrubs (at least 3' at maturity) per 100'
- Min 6 red/buff sandstone boulders (at least 30" in minimum diameter measurement) per 100'
- Drought tolerant groundcover/flowers must cover at least 30% of the total area of the buffer yard, distributed evenly through the entire buffer yard



Tom,

As I believe you know, I represent Zion Park Land, LLC and Zion Park Holding, LLC. We are aware of the proposed buffer zone ordinance that is going to be considered at the Planning Commission meeting tonight. In general, I think we are supportive of this ordinance. However, we wonder if it should apply to VC zoned properties that cannot be developed commercially, which is the case with most of the property currently owned by Zion Park Land on the east end of the campus that we refer to as Pod 3.

We would appreciate the Planning Commission's consideration of some sort of exemption from the buffer zone requirement if the development is housing related (which may or may not be used for nightly rentals), rather than commercial buildings.

Thank you,

**A. Craig Hale**

**HALE | WOOD pllc**





## **Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 9, 2026  
**Re:** Zone Change: Valley Residential to Public Use on Parcel S-137-C

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### ***Executive Summary***

The Town of Springdale has requested a zone change from Valley Residential (VR) to Public Use (PU) on Parcel S-137-C. This two-acre parcel is located on Lion Boulevard, adjacent to the Town Hall property. The Town is requesting the zone change to facilitate the development of a medical clinic, as well as other future public uses.

The property is designated “Mixed Use” on the Future Land Use Map.

The Council should evaluate the request based on the criteria in section 10-3-2(A) of the Town Code. The Council should make specific findings detailing why or why not the proposed zone change meets those criteria.

### ***Background***

#### ***Property Overview***

The property is located on the north side of Lion Boulevard, immediately east of the Town Hall property. It is bounded on the front by Lion Boulevard and on the rear by Black’s Canyon wash. The property is undeveloped. It has uniformly sloping topography and a moderate amount of native vegetation. The flood hazard area associated with Black’s Canyon Wash covers approximately one-third of the rear of the property.

The Future Land Use Map (FLUM) designates the property as “Mixed Use.” The General Plan describes Mixed Use areas as follows:

These are areas of mixed residential and commercial uses. The mixing of uses should help promote the town’s village atmosphere and small town feel. Higher density residential uses (including multifamily uses) are appropriate in this area, as well as small-scale commercial development. Both residential and commercial uses may be accompanied by incidental and limited agricultural uses. The combination of residential and commercial units in a single building or development is particularly encouraged. Moderate-income and employee housing is encouraged. While allowing higher density residential and commercial uses, this area should still seek to preserve open space where appropriate. Doing so will help promote the town’s small town feel and rural village atmosphere.

Section 10-3-2(B) of the Town Code clarifies that the Future Land Use Map does not guarantee approval or denial of any zone change request. It merely provides a guide to assist the Planning Commission and Town Council in determining appropriate future uses of a property. The Town is able to approve or deny zone change requests regardless of compliance with the Future Land Use Map based on factors such as the timing, impact, or scale of the development proposed with the zone change.

### ***Proposal Overview***

The applicant is requesting the zone change to allow the development of a medical clinic. The current medical clinic on the Town Hall property has served the community for over 40 years. The Town has partnered with Family Healthcare to operate a new expanded and enhanced medical clinic in the Town. The Town is proposing to construct a new medical clinic on the property, and then lease the clinic to Family Healthcare who will operate the facility.

The proposed new medical clinic will measure approximately 4,000 square feet in area. It will include a lobby / waiting area, exam rooms, a treatment room, spaces for providing behavioral health and virtual healthcare, a lab, provider workspaces, and a retail pharmacy. The proposed development on the property will include parking sufficient to provide the code required amount of parking, plus additional parking. Future phases could include covered parking with solar PV arrays which would power EV charging stations. Future development could also include a transit stop and a “resiliency hub” (a solar powered backup generator that can provide power for continuing operations during brownouts and natural disasters that interrupt power service).

The property is large enough to accommodate other development in addition to the medical clinic. While there are no definite plans at this time for what additional public uses could be located on the property, the Town has proposed relocating the post office to this site, constructing a replacement Town Hall, and developing other public uses. The Town intends to develop the property as part of the overall municipal campus which includes the existing Town Hall and Canyon Community Center properties. Placing the property in the Public Use zone will allow the subject property to be developed in seamless coordination and design with the existing public uses in this area.

### ***Analysis***

According to section 10-3-2(A) of the Town Code it is the general legislative policy of the Town not to make zone changes, except in three specific instances: 1) to promote more fully the objectives and purposes of the land use ordinance and general plan, 2) to correct manifest errors, or 3) to accommodate substantial changes in conditions. The Council should use these criteria in evaluating the applicant’s request.

The Town’s application states the proposed zone change will both promote the goals and objectives of the General Plan and accommodate substantial changes in conditions. The Council should reference the written justification in the Town’s application for additional detail on how the zone change will accomplish these two objectives.

### ***Public Comment***

Two members of the community submitted comment letters prior to the Planning Commission meeting. Those comment letters are attached to this report. There was no further public comment at the Commission meeting. No additional written comments have been submitted as of the date of this report.

### ***Prior Zone Change Requests on the Property***

Both of the public comment letters submitted on this topic referenced previous zone change applications on the property. The subject property has been a part of four previous zone change applications, all of which included more area than just the subject property. The following is a summary of previous zone change applications on the property:

- 2010: The then property owner applied for a zone change from VR to VC on five acres (including the two acre subject property) to develop a boutique wellness resort. The proposed development included 29 transient lodging units and 11 residential housing units. The Town Council denied the zone change for this project.
- 2011: That same property owner reapplied for a zone on the same five acre property. The proposed development with this zone change was small scale commercial development and 50 public parking spaces. The Town Council approved the zone change for this proposed project. However, that approval was challenged by surrounding property owners on procedural issues regarding adequacy of the public notice. The challenge went first to the Board of Adjustment and then to the District Court. The Court sided with the surrounding property owners and overturned the Council's zone change approval on procedural grounds.
- 2019: A subsequent property owner applied for a zone change from FR and VR to VC-MIHD and FR-MIHD on nineteen acres (including the two acre subject property) to develop a transient lodging facility with 106 lodging units and 36 affordable housing units. The Planning Commission recommended denial of the application. After the Planning Commission meeting the applicant withdrew the application. Because the application was withdrawn before going to the Town Council for review the Town never took a final action on that application.
- 2020: The same property owner from the 2019 request presented a zone change proposal on five acres (including the two acre subject property) from VR to VC. The proposed zone change would have allowed the development of 52 transient lodging units, eight residential units, and two commercial buildings. The applicant withdrew this application before it went to either the Planning Commission or the Town Council.

#### ***Planning Commission Action***

The Planning Commission considered this application in their December meeting. The Commission discussed whether or not the proposed zone change meets the zone change criteria in section 10-3-2(A). After this discussion the Commission made a motion to recommend approval of the zone change, as recorded in the motion below:

**Motion made by Jennifer McCulloch that the Planning Commission recommends approval of the proposed zone change from Valley Residential to Public Use on parcel S-137-C, located immediately to the east of the Town Hall property, as discussed in the Commission's December 3, 2025, meeting. This motion is based on the following findings:**

**1. In accordance with Section 10-3-2(A) of the Town Code, the requested zone change meets not only one necessary requirement, but meets two requirements for a zone change: One, the zone change will accommodate substantial changes and conditions due to a growing community of residents, businesses, and visitors, providing needed services as a result. Two, promote the goals and objectives of the General Plan by promoting community health and wellness and facilitating first-class medical facilities and care.**

**Second by Paul Zimmerman.**

**Discussion of the motion:** There was no additional discussion.

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**

### ***Town Council Action***

The Council should consider whether or not the proposed zone change will promote the purposes and objectives of the General Plan, specifically those dealing with zone changes. The Council should also consider whether or not the proposed zone will accommodate substantial changes in conditions. The Council may also consider other factors listed in 10-3-2(B) of the Town code such as timing, impact, or scale of the proposed development in determining if the requested rezone should be approved.

The Council should make specific findings about the merits of the requested zone change on which to base a recommendation to the Town Council. The Council can use the following questions to help inform the findings:

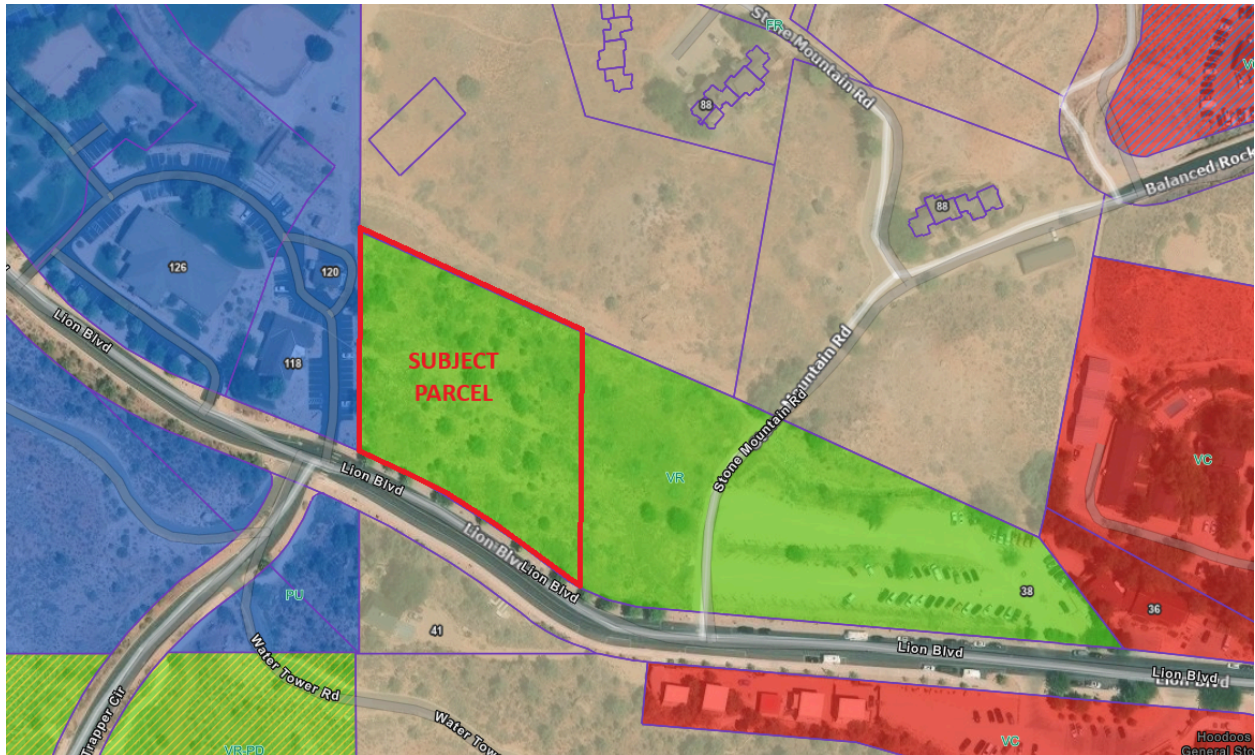
- Is the location of the property suitable for a public uses, specifically including a medical clinic?
- What are the likely impacts of the proposed development on traffic? Is the surrounding transportation network capable of handling these impacts?
- What are the likely impacts of the proposed development on adjacent and nearby properties (noise, lighting, visual impact, etc.)? Will these impacts significantly impact the village atmosphere of the area?
- Does the zone change request meet at least one of the three criteria listed in section 10-3-2(A) of the Town Code? (The three criteria are: promotes General Plan, corrects manifest errors, accommodates substantial changes in conditions.)

Based on these findings, the Council should make a motion to either approve or deny the requested zone change.

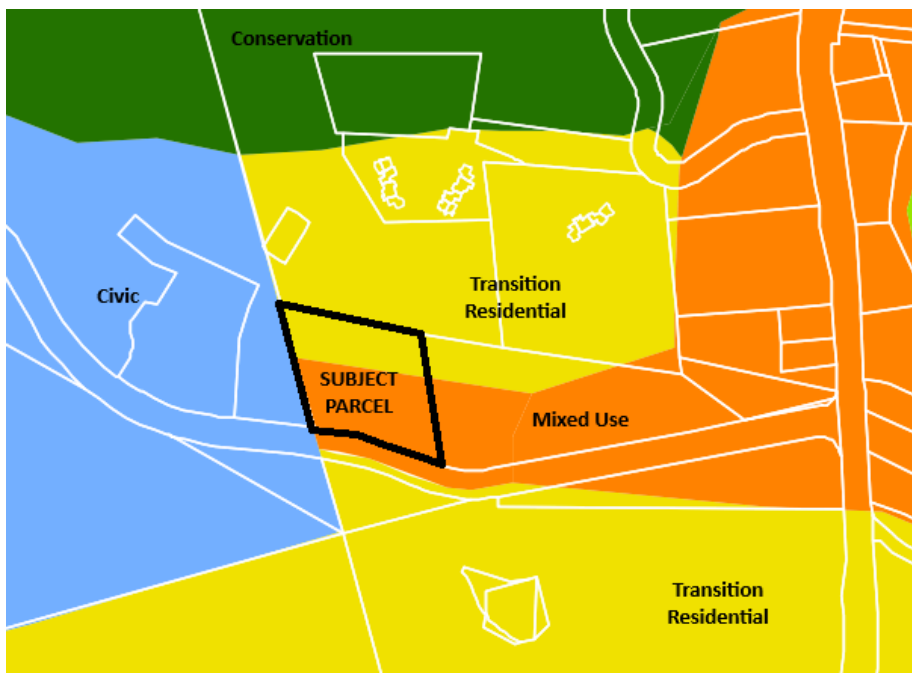
## ***Property Maps***

### ***Current Zoning Map***

Green: VR, Blue: PU, Tan: FR, Red: VC



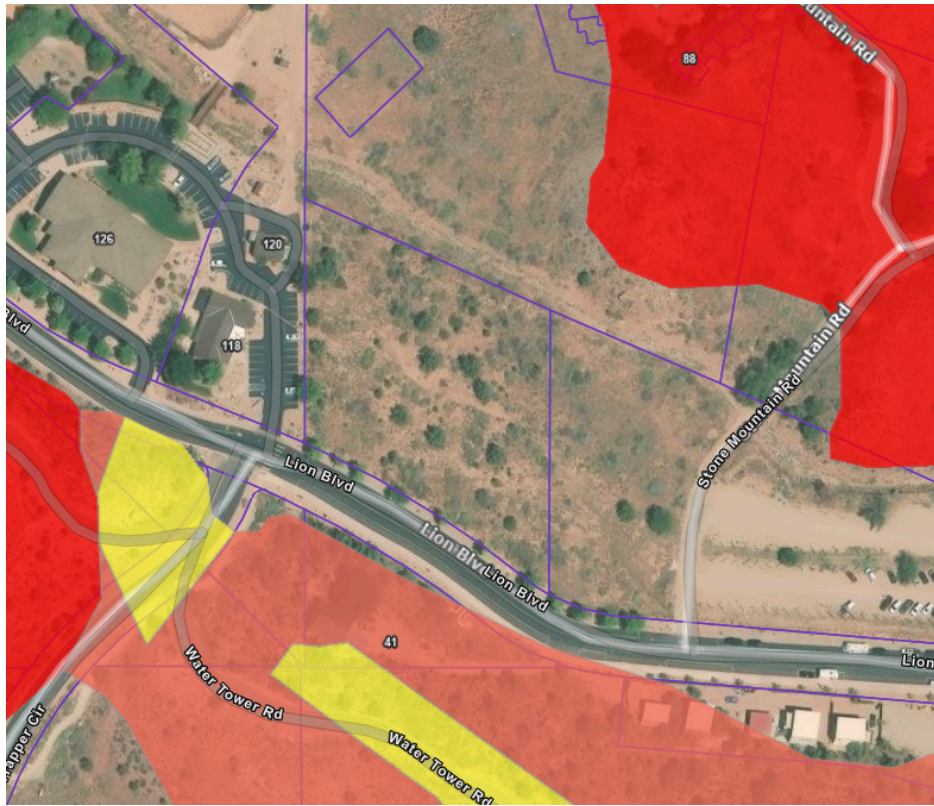
### ***Future Land Use Map (from the General Plan)***





## Hazard Maps

### Landslide Hazard Map



### Rockfall Hazard Map



## Flood Hazard Map



Two acres on Lion Blvd  
adjacent to Town Hall

Permit/License #  
0102785

11/26/2025 - 11/25/2026

Reference Number

Zone Map Amendment

be2d1930-caea-11f0-903e-654c39d30a42

Application Fee

Status

Active

Application Status

New

Application Review Status

Pre-Review

Reviewing

Date Submitted

Final-Review

Not Reviewed

11/26/2025

Fees

|                               |               |
|-------------------------------|---------------|
| Application Fee               | \$2,000.00    |
| Fee Waiver - Town Application | -\$2,000.00   |
| <b>Subtotal</b>               | <b>\$0.00</b> |
| <b>Amount Paid</b>            | <b>\$0.00</b> |

Payments

There are no payments

Application Form Data

(Empty fields are not included)

First Name

Rick

Last Name

Wixom

Mailing Address

PO Box 187

City

Springdale

State

UT

Zip



84767

Contact Email

**rwixom@springdale.utah.gov**

Contact Phone

**(435) 772-3434**

Project Address (or location description)

**Two acres on Lion Blvd adjacent to Town Hall**

Parcel Number

**S-137-C**

Property Size (Acres)

**2.0**

Property Owner Name

**Town of Springdale**

Property Owner Phone Number

**(435) 772-3434**

Is the property owner aware of and in support of the zone change request?

**Yes**

Property Owner Email Address

**rwixom@springdale.utah.gov**

Current Zone of Property

**Valley Residential - S**

Requested Zone for Property

**Public Use**

General Plan Map Designation:

**Mixed Use**

Attach PDF here.

 **Clinic PU Zone Change Justification (1).docx**

Please attach all additional documents here.

 **2025-11-04 Springdale Clinic MP Draft (1).pdf**

## Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Electronically Signed

**Rick Wixom - 11/26/2025 10:10 am**

The Town of Springdale is requesting a zone change from Valley Residential to Public Use on a two-acre parcel next to the Town Hall. The Town is planning to build a medical clinic, post office, and a new Town Hall on this parcel over the course of several years. The Public Use zone is necessary in order for these uses to be developed on this parcel.

The requested zone change will accommodate substantial changes in conditions. It will also promote the goals and objectives of the General Plan.

#### Accommodation of Changes in Conditions

The Town provides services to a growing community of residents, businesses, and visitors. As all three of these components of the community grow, so does the demand for public services. The current post office was built in 1979. The current medical clinic was established in its current location in the mid 1980's. And the current Town Hall was completed in the late 1990's. Since that time there has been considerable growth in the Town's residential population, the number of businesses in the community, and the number of tourists visiting. This has increased the demand for public services such as medical needs, postal needs, and general municipal government needs, including providing 24-hour police coverage.

As a result of this increased demand for public services, several current municipal facilities including the medical clinic, Canyon Community Center, and Town Hall are either near capacity or over capacity. For instance, in 2019 the Town moved its public bodies and public meetings (Town Council, Planning Commission, and other public bodies) to the Canyon Community Center (CCC), and the Town Hall was remodeled to better accommodate changes in staffing. Moving the Town's public bodies to the CCC provides better access to the community for public meetings but negatively impacts the availability of Center for community needs, recreation classes, and community events. The current post office, located in a commercial zone on SR-9, is limited by its size and location and cannot provide or accommodate a number of services approved by the USPS, including passport and direct parcel services. The Mayor has been told that a recommendation to the USPS that the current building has outlived its usefulness is being made and the Town continues to work with our federal delegation staff and the USPS on developing a new post office.

In response to this change in conditions the Town acquired a two-acre parcel immediately adjacent to the current Town Hall with the intent of developing new public facilities. The Town has received a grant from the Governor's Office of Economic Opportunity that has funded the architectural design of a new medical clinic and following that design process intends to construct the new medical clinic on this parcel, beginning possibly as early as the fall of 2025. The future development of a new post office or new Town Hall, or other public and municipal services as determined by the Town Council will occur in future years. It is anticipated that once

a new Town Hall is constructed, the current Town Hall will be converted to use by the Police Department, which will add necessary spaces for the Department's functions.

The Public Use zone is necessary in order to provide these additional and enhanced public services on the parcel.

### Promotion of the General Plan

The General Plan contains an entire chapter dedicated to Public Health. The General Goal of this chapter is as follows:

*Springdale will promote community health and the wellness of its residents by facilitating first-class medical facilities and providers, promoting a healthy and clean environment, and encouraging healthy lifestyles.*

Sub-Goal A of that chapter is as follows:

*Encourage and support the development of enhanced medical services in Springdale.*

*1. The Town Council will support private and public medical providers and services in the Town to enhance and expand the types and availability of medical care in the Town.*

*a. Assist the Zion Canyon Medical Clinic in researching and applying for federal grants through the Department of Health and Human Services and other potential grant sources. These grants may be available based upon the average age of the population of Springdale.*

*b. The Town Council will consider providing housing for healthcare professionals who are willing to live in Springdale and staff the Clinic. The goal would be to have a physician on call or on duty at all times.*

*c. The Town Council will seek to bring a pharmacy into Springdale, preferably with 24-hour access to critical supplies. The Council may investigate using a combination of incentives and direct financial support to accomplish this goal.*

The Town's plan to construct a new medical clinic with enhanced services on the subject parcel will help promote these goals. The existing medical clinic is not large enough, nor does it have the amenities necessary in order to provide the services contemplated in these General Plan goals. In order for the Town to achieve these goals a new clinic building is necessary.

The Town has researched numerous potential locations for a new medical clinic building. After researching all these options, it has become evident a location near the current clinic building is

the most feasible. Changing the zone on the two-acre parcel adjacent to the Town Hall will allow the Town to develop a clinic building in an appropriate location that will promote the goals and objectives of the General Plan.

#### Permitted Uses in Springdale Code

The existing medical clinic was established on the Town's property in the mid-1980s, before the current Public Use zoning was established. Chapter 10-2 of the town code defines a medical clinic as:

*Clinic, dental or medical: A building in which a group of dentists, physicians and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or medical laboratory and pharmacy, but it shall not include inpatient care or operating rooms for major surgery.*

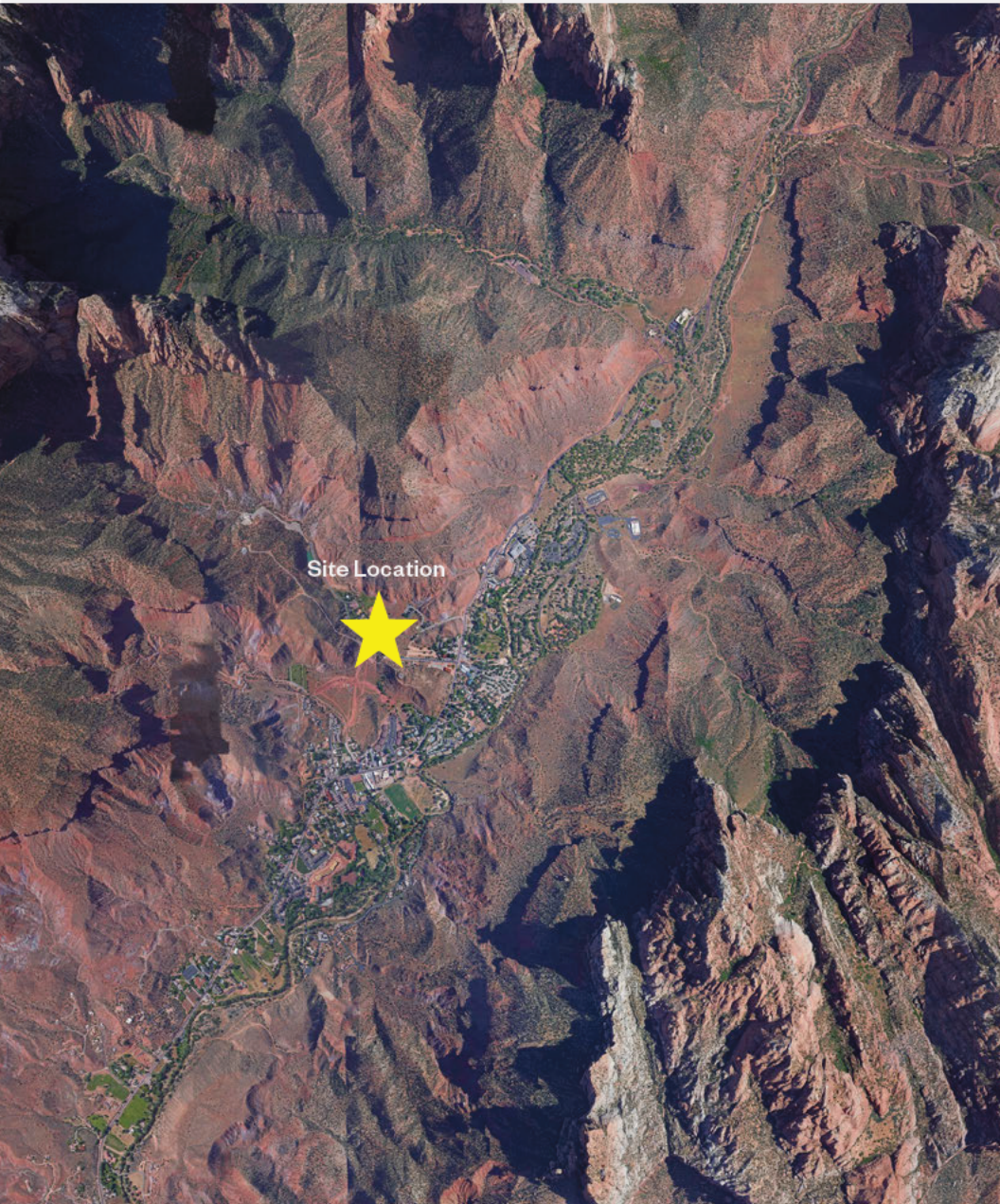
The clinic provides family care services along with urgent care primarily focused on visitors to Zion National Park. In its current configuration, the care provided is limited and the building is not suitable for including services contemplated in the General Plan, including behavioral health or a pharmacy.

In its present location, the clinic has been a direct benefit to the community for 40 years. The current Public Use zoning does not permit medical clinics as an allowable use in the PU zone. Administrative, professional, or medical offices are permitted uses in the Village Commercial and Central Commercial zones, and medical clinics, while defined in code, are not specifically included in the list of permitted uses.

As noted in the General Plan, promoting community health and wellness and facilitating first-class medical facilities is a general goal. However, the size of Springdale's population, even including the visitor daily population, makes providing first-class medical facilities an economic challenge. In order to meet the goals of the General Plan and to provide the range of services contemplated, there needs to be public support to bring costs down to make clinic operations economically feasible. For instance, in the past the Town provided significant subsidies to the Zion Canyon Medical Clinic to help it remain economically viable.

Including the new medical clinic on the Town's property in the Public Use zone allows the Town to support the development of the clinic, reduce costs, and contribute to the development of the medical services contemplated by the General Plan. Including a provision to allow medical clinics in the PU zone also recognizes the long-term benefits provided to the community by the former and current Zion Medical Clinic.





SPRINGDALE

## Site in Context

Springdale is the gateway to Zion National Park. The town has a population of 634 residents but experiences a significant influx of up to 4 million visitors annually due to its proximity to the national park. Like other gateway communities, Springdale has an overall character that emphasizes and celebrates the views of the surrounding natural environment.

The proposed site is located along Lions Blvd., adjacent to the current town hall, medical clinic, community center, and Springdale Park. While the proposed site is currently a separate parcel, it is recommended that the town-owned parcels be consolidated to form one larger, cohesive town campus.



SITE PARCEL



# Site Analysis

## TOPOGRAPHY

There is a 20-foot grade change across the site, with 3970 ft in the Northwest to 3950 ft at the Southeast corner.

## FEMA FLOOD ZONE DESIGNATION

Current FEMA designations locate the northern portion of the parcel within FEMA Flood Zone A, which indicates the area with a 1% or greater chance of flooding in any given year. Mitigation for this level of designation requires that all building floor levels shall be elevated to/above base flood level, or anything below base flood level, utility and sanitary facilities, be watertight and resist buoyancy. Additionally, adopting mitigation strategies such as low-impact development, strategic siting, adherence to flood codes, and the implementation of warning systems is encouraged.

After a major flood event in 2020, the existing waterway was redesigned with a significant berm to prevent future site flooding. Newly proposed FEMA maps indicate that the 100-year flood zone is significantly reduced, but a 500-year flood zone will still impact approximately 65% of the site. While the 500-year zoning does not impact development regulation, strategic use of paved areas and mitigation strategies should be implemented to reduce possible flood impacts.

### Legend

WASH

FEMA 100-YEAR FLOOD ZONE

FEMA 500-YEAR FLOOD ZONE



CURRENT FEMA DESIGNATIONS



PROPOSED FEMA DESIGNATIONS

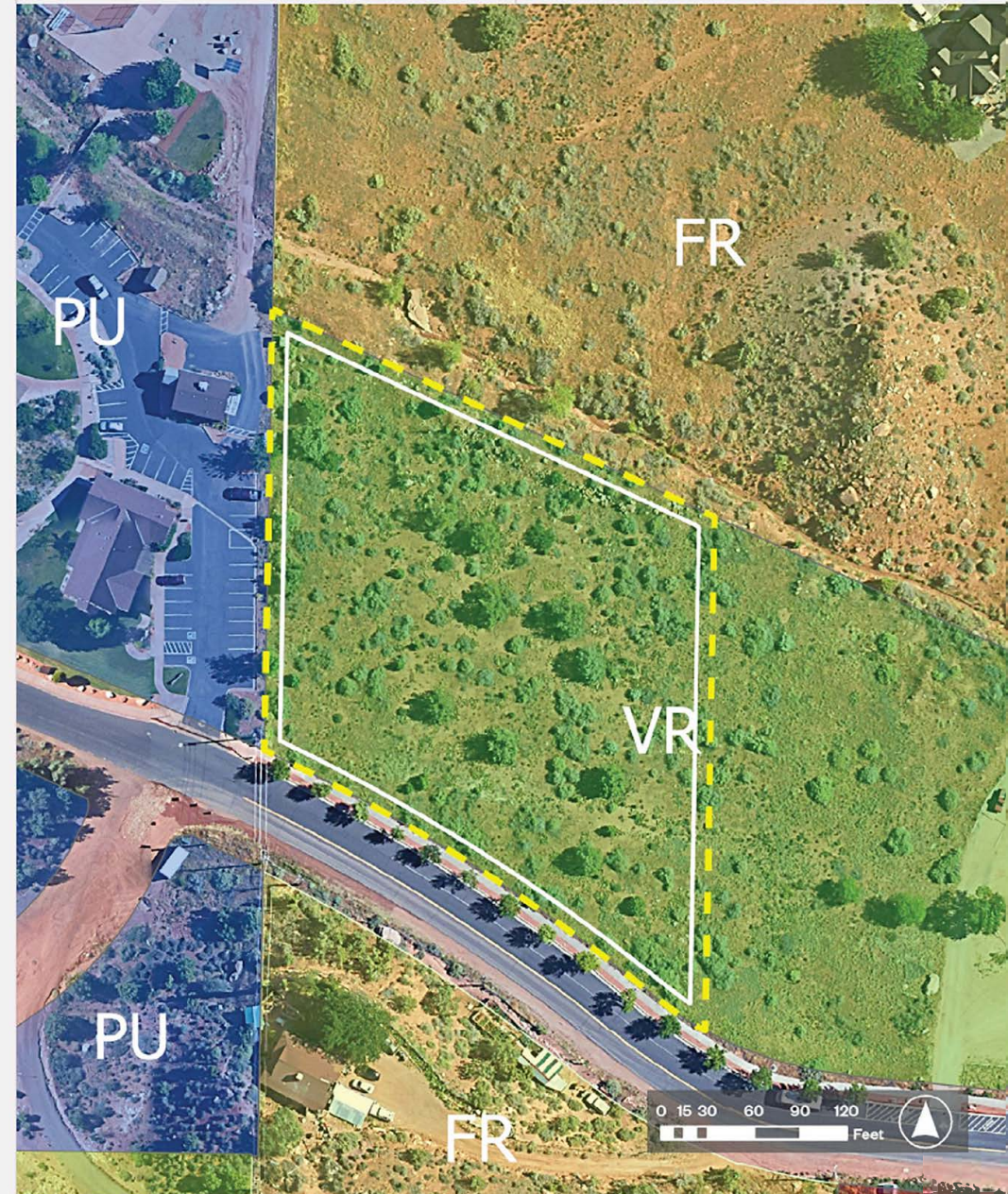


## ZONING

The parcel is currently zoned as Valley Residential. It will be rezoned as Public Use and consolidated with the parcel to the west that includes the current town hall. Consolidation with the existing town hall parcel will dissolve the parcel setback to the west. The town hall parcel also includes the disc golf course to the north, which will contribute to the new site's landscape requirements once consolidated.

Below are the relevant requirements for developments zoned as Public Use:

- Maximum Building Height: 26 feet
- Required Landscaping: 50%
- Setbacks: 10 feet on all sides (front, rear, and sides).
- Building Size: 4,000 square feet to 10,000 square feet, not including below-grade floors
- Parking Requirements: 1 parking space per 600 square feet







## DESIGN STANDARDS

Being the gateway to one of the most iconic national parks, Springdale has a keen eye for biophilic design, which pays homage to the unique red rock canyon walls that encompass the town. The following standards are required by the town to maintain the character of the surrounding environment.

## VISUAL PROTECTION

- Development needs to complement and enhance the town's village character.
- Development shall be sited and designed to retain the existing topography and minimize grading.

## ARCHITECTURE

- Parkitecture and desert modern architecture.
- Style to incorporate surrounding earth tones.

## MATERIALS

- Exterior materials shall be compatible with the surrounding environment and historic structures in the area.
- Preferred materials include wood siding, sandstone, stucco, adobe, clay brick, exposed wooden trusses, and wood window frames.
- Two to three exterior materials can be used to reduce building mass.
- Preferred roofing includes textured concrete tiles, architectural shingles, rusted corrugated metal, and other non-reflective options.
- Walkways, patios, and pool decks should use interlocking pavers, natural stone, or stamped/textured concrete in red tones.

## LANDSCAPE DESIGN

- Low-water, drought-tolerant designs, guided by Springdale's historic landscapes.
- Landscaping should screen parking areas, trash enclosures, and mechanical equipment.
- Outdoor lighting that protects the night sky and minimizes light pollution.



# Visioning and Goals

## Vision

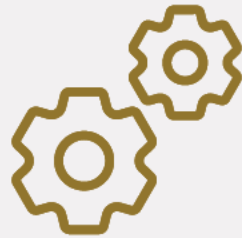
The site will be integrated with nature, functional, accessible and active, and future-forwards.



### Integrated with Nature

Complements and enhances the natural surroundings

- Site elements not only meet town standards but represent precedent design in the community
- Open spaces include intentionally designed and preserved landscapes
- Sustainability and resiliency goals are supported



### Functional

Robust, Adaptive, Innovative, and Flexible

- The site address the existing and future site restrictions.
- Modern sustainable infrastructure and design strategies are incorporated.



### Accessible & Active

Integrated with community and public places

- Connects with existing and planned pathways.
- The site is a public space with accessible amenities and site features.
- Supports multi-modal transit.



### Future-Forward

Planned for current and future transportation, community, and modalities

- Space is provided for future growth in staff and site users.
- Provide circulation for a Sun Tran connection and turn around.

# Phase 1

## NEW MEDICAL CLINIC

The most immediate need on-site is the medical clinic. The 4,000 square foot clinic and its required parking are sited on the southeastern portion of the site, outside of the existing 100-year flood zone area.

## PARKING

Required parking is exceed, working toward a future goal to provide visitor amenity parking. The eastern parking in this phase will be constructed with rough-in underground conduit connections to account for future installation of covered stalls with EV charging capability supported by solar generation.

- 7 stalls required
- 14 stalls with rough-in underground conduits
- 5 stalls designated for pop-up bus parking
- 24 stalls total

## LANDSCAPE

Landscaping around the primary entrance will include desert and drought-tolerant plants that are in line with the town standards. Other areas will remain open and preserve the existing desert vegetation on site to the greatest extent possible throughout construction.



Dear Tom, Planning Commission and Town Council,

In your application for a zone change, you justify your application for the change because the area falls under "mixed use". Yet your proposal has no mixed use in it; all your proposals are of quasi commercial use. From the FLUM, it states:

Higher density residential uses (including multifamily uses) are appropriate in this area, as well as small-scale commercial development.

A four thousand square foot building is hardly small scale. Adding a transit hub to the property will also require a lot of space. Nowhere in your proposal are any residential uses. Surrounding this area are residential uses.

The Town's request for a zone change does not meet the requirements needed for approval and should be denied as it has done to private property owners who fail to meet the criteria for zone changes. The Town might want to consider not growing our government with more buildings and more employees and try to hold on to a village atmosphere. If anything, the Town could use more low income housing and small scale commercial on this property that would actually meet the criteria for a zone change.

Max and Julie Gregoric  
Sol Foods Supermarket  
Hoodoos General Store

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Dear Tom,

In addition to my previous email, I would like to remind the Town and the general public about previous zone change denials. Nowhere in your application do you mention any history of denials or proposals to develop this property by private parties. The Planning Commission and Town Council should be made aware of this history. Please include this email in the record.

Max and Julie Gregoric  
Sol Foods Supermarket  
Hoodoos General Store

I would like to add a public opinion to Item #2 on this agenda enclosed below.

I would encourage the planning commission to recommend against approval of the Zone Change on the parcel listed:

1. This parcel has been before the commission for zone change and changes to go from VR to VC. I was against that zone change, am against this zone change, and am against all zone changes. Zone changes deteriorate the basis of the General Plan, even if as is proposed in this case, are for the public good.
2. The Town jumped the gun in buying a piece of land that was not already zone appropriate for public use development. If a private land owner had done such, they would be denied any zone change regardless of their intent with the property, such as Melanie Madsen (Starnes at the time), Mike Lang, and recently Justin Maebe on this same parcel.
3. Very few medical facilities operate in the black, most are in the red. Expansion of a modestly used medical facility to a new property is unnecessary and could be done on the public use land the town has properly zoned and if done, should be on grant based funding, not from sales tax revenue.
4. Future uses on this property are rhetorical. If a private applicant were to come forward we would require the entire phased planning to be drawn and analyzed before any approval would be given for a zone change.
5. A new post office is preposterous in this town and using this land for that purpose would be a huge waste of public assets and funds. The USPS will be non-existent in 10 years so to build a structure that will have a 30 year or longer pay-off for the residents of this town is over-burdening.
6. The town has obtained 5 or 6 lots from the Ferber Development agreements, one of which is Village Commercial and could be used for a Medical clinic. This VR land could be used for an employee housing development which is more inline with the future use map and General Plan.

Thank you for considering these opinions.

Jonathan Zambella



## **Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 9, 2026  
**Re:** Ordinance 2025-20: Amending Chapter 10-7A of the Town Code by Adding Medical Clinics (with Included Drugstores or Pharmacies) as Permitted Uses in the CC, VC, and PU Zones

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### ***Introduction and Background***

The Town Code currently allows medical offices, drugstores, and pharmacies as permitted uses in the Village Commercial and Central Commercial zones, but not in the Public Use zone. The Code has a definition for “Clinic, dental or medical.”<sup>1</sup> However, the Code does not specifically allow dental or medical clinics in any zone. For several decades the Zion Canyon Medical Clinic has operated on the Town Hall property, which is located in the Public Use zone. The Clinic continues to operate as a legal non-conforming use on this property.

The Town has partnered with Family Healthcare to provide continuing medical care in the community. As part of this partnership the Town intends to construct a new medical clinic and lease the facility to Family Healthcare. This will allow for expanded and enhanced medical services, including a pharmacy. This new clinic building is planned for the two-acre Town-owned property adjacent to the Town Hall property. This clinic will replace the existing medical clinic on the Town Hall property.

Because this will be a new clinic on a different property, the non-conforming use status of the existing clinic cannot transfer to the new clinic. The Town is proposing this ordinance change in order to allow the new and expanded medical clinic, including the pharmacy, on the two-acre parcel next to the Town Hall.<sup>2</sup>

Notwithstanding the background summarized above, the Council should consider the merits of the ordinance change independent of the proposed medical clinic replacement building project. The Council should consider whether or not dental and medical clinics are appropriate uses in the CC, VC, and PU zones in general. The Council should not evaluate the proposed ordinance change based solely on the merits of the new proposed medical clinic.

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<sup>1</sup> See Town Code 10-2-2 where “clinic, dental or medical” is defined as: *A building in which a group of dentists, physicians and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or medical laboratory and pharmacy, but it shall not include inpatient care or operating rooms for major surgery.*

<sup>2</sup> The subject property is currently in the Valley Residential (VR) zone. Elsewhere on the meeting agenda the Council will be considering a zone change request to change the zone to Public Use.

### ***Summary of Proposed Changes***

Section 10-7A-2 of the Code contains a table listing all the permitted, accessory, and conditional uses allowed in each zone. This table allows “Administrative, professional or medical offices” as a permitted use in the CC and VC zones, and not in PU. Likewise, “Drugstores and pharmacies” are allowed in the CC and VC zones, and not in PU. Although the Town Code contains a definition of “clinics, dental or medical” the chart does not specifically allow this use in any zone.

As proposed to the Planning Commission, the ordinance change would have done the following:

1. Add a new line for “Clinics, dental or medical.” These are proposed to be allowed as permitted uses in the CC, VC, and PU zones.
2. Edit the line for “Drugstores and pharmacies” to include such as a permitted use in the PU zone. (The definition of “clinic, dental or medical” includes pharmacies. So if the change in item 1 above is made pharmacies will automatically be allowed as part of medical clinics in the PU zone. This change just removes any inconsistency in the code.)

During their review of the proposed ordinance the Planning Commission discussed a public comment letter that expressed concern about drugstores and pharmacies being allowed as permitted uses in the PU zone. Specifically, the concern was about the impacts a large standalone drugstore could have on adjacent properties, particularly one with extended hours. The writer of the comment suggested these impacts would be inappropriate for development in the PU zone.

The Commission concurred with this comment and decided to adjust the proposed ordinance. The Commission suggested a modification to the proposed ordinance which would only allow pharmacies that are associated with a medical clinic in the PU zone. This change will prevent large standalone pharmacies and drugstores from being developed in the PU zone. It will only allow pharmacies operated as part of a medical or dental clinic.

The version of the proposed ordinance included with this report reflects the Commission’s modification.

### ***General Plan Direction***

According to section 10-3-2(A), the Town should only make amendments to the land use ordinance when such amendments will support the goals and objectives of the land use ordinance and General Plan. Thus, the Council should consider whether or not allowing medical clinics and pharmacies in the PU zone will promote these goals and objectives.

The purpose of the PU zone is listed in section 10-12-1 of the Town Code:

*The public use (PU) zone is established to provide for the location and establishment of public and quasi-public facilities.*

Section 10-2-2 of the Code defines “quasi-public use” as: *A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, universities and similar uses.*

Medical clinics are often operated by private nonprofit organizations (both Family Health Care and Intermountain Health Care, two of the major healthcare providers in Southern Utah, are private nonprofits). Medical clinics provide a service to the general public. As private nonprofit organizations providing service to the general public, medical clinics fit in well with the purpose of the Public Use zone.

The General Plan contains several references to supporting and encouraging enhanced medical service in the Town. These include the following:

*Vision Statement: Amenities and Services*

*Essential services such as excellent medical facilities and state of the art communication infrastructure are available to all residents and visitors.*

*Public Health General Goal:*

*Springdale will promote community health and the wellness of its residents by facilitating first-class medical facilities and providers, promoting a healthy and clean environment, and encouraging healthy lifestyles.*

*Public Health Sub-Goal A:*

*Encourage and support the development of enhanced medical services in Springdale.*

*Public Health Sub-Goal A1:*

*The Town Council will support private and public medical providers and services in the Town to enhance and expand the types and availability of medical care in the Town.*

*Public Health Sub-Goal A1c:*

*The Town Council will seek to bring a pharmacy into Springdale, preferably with 24-hour access to critical supplies. The Council may investigate using a combination of incentives and direct financial support to accomplish this goal.*

Allowing medical clinics and pharmacies in the Public Use zone will provide more opportunities to develop the kinds of enhanced medical services discussed in these General Plan directives.

**Public Comment**

The Planning Commission received one public comment letter regarding this item prior to their public hearing, as referenced above. A copy of that letter is attached to this report. No members of the public addressed the Commission during the hearing. The Town has not received any further public comments on this item as of the date of this report.



### ***Planning Commission Action***

The Planning Commission considered this item in the December 3, 2025 meeting. The Commission recommended approval of the proposed ordinance, as recorded in the motion below:

**Motion made by Jennifer McCulloch that the Planning Commission recommends approval of the proposed ordinance revision to allow dental and medical clinics, pharmacies, and drugstores that are ancillary to a medical clinic in the Public Use Zone, as discussed in the Commission's December 3, 2025, meeting. This motion is based on the following findings:**

1. **The purpose of the Public Use Zone is listed in Section 10-12-1 of the Town Code. The Public Use Zone is established to provide for the location and establishment of public and quasi-public facilities.**
2. **Section 10-2-2 of the Code defines "quasi-public use" as: A use operated by a private nonprofit, educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public.**
3. **Medical clinics provide services as private nonprofit organizations providing services to the general public.**
4. **Medical clinics fit the purpose of public uses, therefore, are appropriate to be included in Public Use Zones.**
5. **The revision supports the directive of the General Plans Vision Statement: Amenities and Services, the Public Health General Goal, Public Health Sub-Goal A, Public Health Sub-Goal A1c.**

**The motion includes the following conditions:**

1. **The definition of clinic, dental, or medical includes pharmacies and, in this case, the change will include pharmacies that are associated with a medical clinic.**

Second by Paul Zimmerman.

Discussion of the motion: There was no additional discussion.

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**



## **ORDINANCE 2025-20**

### **AMENDING CHAPTER 10-7A OF THE TOWN CODE BY ADDING MEDICAL CLINICS (WITH INCLUDED DRUGSTORES OR PHARMACIES) AS PERMITTED USES IN THE CC, VC, AND PU ZONES**

**Whereas,** the Town of Springdale General Plan calls for enhanced medical services, including medical clinics, in the community; and

**Whereas,** the Town of Springdale has long partnered with healthcare providers in the operation of a medical clinic located on the Town's property in the Public Use Zone; and

**Whereas,** the Town Code currently does not specifically allow medical clinics in any zone; and

**Whereas;** the Town Council finds it necessary to specifically identify in which zones medical clinics, with associated drugstores or pharmacies, should be located; and

**Whereas;** the necessary procedures and processes to amend the land use ordinance have been satisfied, including the required public hearings;

**Now therefore be it ORDAINED** by the Springdale Town Council that section 10-7A-2 of the Land Use Ordinance is amended as shown in the following page.

**10-7A-2: PERMITTED, ACCESSORY, AND CONDITIONAL USES ESTABLISHED:**

A use that is indicated as permitted ("P") is allowed in the applicable zone if the use is consistent with all laws and ordinances applicable to the use. An accessory use ("A") is allowed in the applicable zone only if the use is accessory to a primary, allowable use and is consistent with all laws and ordinances applicable to the accessory use. A conditional use ("C") is allowed in the applicable zone only with a conditional use permit for the use and if the use is consistent with all laws and ordinances applicable to the use. An overlay zone use ("OZ") is allowed in the applicable zone only when an overlay zone is first applied to the underlying zone. A nonpermitted use ("N") is prohibited in the applicable zone. A use that is not listed in the table below is prohibited unless it is allowed in accordance with subsection 3. below.

[illegible]

|                                                                                                 |          |          |          |          |          |          |
|-------------------------------------------------------------------------------------------------|----------|----------|----------|----------|----------|----------|
| Agriculture                                                                                     | P        | P        | P        | P        | P        | P        |
| Keeping and raising of farm animals                                                             | N        | P        | P        | N        | N        | N        |
| Keeping of nondomesticated animals not defined as "farm animals"                                | N        | N        | N        | N        | N        | N        |
| Commercial and public uses:                                                                     |          |          |          |          |          |          |
| Administrative, professional or medical offices                                                 | N        | N        | N        | P        | P        | N        |
| Ambulance and fire protection services                                                          | N        | N        | N        | P        | P        | P        |
| Art galleries                                                                                   | N        | N        | N        | P        | P        | N        |
| Artist studios                                                                                  | P        | P        | N        | P        | P        | N        |
| Automotive service stations, subject to the standards of this chapter                           | N        | N        | N        | P        | P        | N        |
| Bakeries, retail                                                                                | N        | N        | N        | P        | P        | N        |
| Banks and financial institutions                                                                | N        | N        | N        | P        | P        | N        |
| Barber and beauty shops                                                                         | N        | N        | N        | P        | P        | N        |
| Bicycle shops                                                                                   | N        | N        | N        | P        | P        | N        |
| Blueprint and photocopy services                                                                | N        | N        | N        | P        | P        | N        |
| Cemeteries                                                                                      | N        | N        | N        | N        | N        | P        |
| Churches                                                                                        | N        | N        | N        | P        | P        | N        |
| <u>Clinics, dental or medical</u>                                                               | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Clubs, lounges, and bars                                                                        | N        | N        | N        | P        | P        | N        |
| Convenience stores                                                                              | N        | N        | N        | P        | N        | N        |
| Daycare and nursery schools, subject to the standards in subsection 10-7A-4(B) of this chapter  | N        | N        | N        | P        | P        | N        |
| Delicatessens                                                                                   | N        | N        | N        | P        | P        | N        |
| <u>Drugstores and pharmacies, in conjunction and associated with a dental or medical clinic</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Drugstores and pharmacies, <u>standalone</u>                                                    | N        | N        | N        | P        | P        | N        |
| Educational institutions; public, quasi-public or private                                       | N        | N        | N        | P        | P        | P        |
| "Established uses" as provided for in section 10-21-1 of this title                             | N        | N        | N        | P        | P        | N        |
| Florist shops                                                                                   | N        | N        | N        | P        | P        | N        |
| Food markets and grocery stores                                                                 | N        | N        | N        | P        | P        | N        |
| General retail stores                                                                           | N        | N        | N        | P        | P        | N        |
| Guiding and tour services to areas inside Town limits, subject to the standards in this chapter | N        | N        | N        | P        | P        | N        |
| Guiding, tour, and transportation services to areas outside Town limits                         | N        | N        | N        | P        | P        | N        |
| Laundries, self-service                                                                         | N        | N        | N        | P        | P        | N        |
| Libraries and museums, public or private                                                        | N        | N        | N        | P        | P        | P        |
| Liquor stores                                                                                   | N        | N        | N        | P        | P        | N        |
| Manufacturing, small scale assembly and production, subject to the standards in this chapter    | N        | N        | N        | P        | P        | N        |
| Microbreweries                                                                                  | N        | N        | N        | P        | P        | N        |
| Mobile business (see standards in section 10-22-11 of this title)                               | N        | N        | P        | P        | P        | N        |
| Nursery and garden supplies                                                                     | N        | N        | N        | P        | P        | N        |
| Postal services                                                                                 | N        | N        | N        | P        | P        | P        |
| Public assembly                                                                                 | N        | N        | N        | P        | P        | P        |
| Public or quasi-public cultural activities and nature exhibits                                  | N        | N        | N        | P        | P        | P        |
| Public parking areas and facilities                                                             | N        | N        | N        | P        | P        | P        |
| Public services facilities and government offices                                               | N        | N        | N        | P        | P        | P        |
| Recreational facilities, commercial, subject to the standards in this chapter                   | N        | N        | N        | P        | P        | P        |
| Rental of nonmotorized recreational equipment                                                   | N        | N        | N        | P        | P        | N        |

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|                                                                   |                                   |                |   |                 |                 |   |
|-------------------------------------------------------------------|-----------------------------------|----------------|---|-----------------|-----------------|---|
| Rental of power equipment                                         | N                                 | N              | N | P               | N               | N |
| Restaurants                                                       | N                                 | N              | P | P               | P               | N |
| Rock shops                                                        | N                                 | N              | N | P               | P               | N |
| Theaters, subject to the standards in this chapter                | N                                 | N              | N | P               | P               | P |
| Transient lodging facilities, Type 1                              | N                                 | N              | N | OZ <sup>1</sup> | OZ <sup>1</sup> | N |
| Transient lodging facilities, Type 2                              | N                                 | N              | N | OZ <sup>1</sup> | OZ <sup>1</sup> | N |
| Transportation services, subject to the standards in this chapter | N                                 | N              | N | P               | P               | P |
| Travel agencies                                                   | N                                 | N              | N | P               | P               | N |
| Vehicle holding area                                              | N                                 | P <sup>1</sup> | N | P               | P               | P |
| Miscellaneous uses:                                               |                                   |                |   |                 |                 |   |
| Wireless communication facilities                                 | See section 10-27-5 of this title |                |   |                 |                 |   |

Note:

1. Only when the Transient Lodging Overlay Zone is first applied to the property.
2. Only on public parking lots existing on July 11, 2018 which are currently operating as non-conforming uses.

(Ord. No. 2022-09, § 3, 6-22-2022; Ord. No. 2023-07, § 1, 8-9-2023; Ord. No. 2025-13, 8-13-2025)

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Dear PC Members,

I am concerned that there is discussion about putting a pharmacy on PU land. This is inappropriate. Please do some research before your meeting this Wednesday and not allow that — especially a pharmacy with any 24/7 availability. It would be the only one in Southern Utah. Pharmacies are businesses and should not be on PU land, so if the land next to Town Hall is approved for a zone change to PU, it still should not house a pharmacy. According to the information provided by Mr. Dansie, the definition of medical clinic includes pharmacies, but that is highly unusual and should be changed. Most consider them separate, one appropriate for PU land, one not.

**Typical treatment:**

- **In most laws, leases, and zoning codes:**  
“Clinic (dental or medical)” refers to facilities that **diagnose or treat patients**, usually where medical professionals provide services.  
Pharmacies are usually classified separately as “**retail pharmacy,**” “**drugstore,**” or “**pharmaceutical services.**”

I wish you well in your discussions. This feels like something Town Council will do what they want regardless of what Planning Commission decides. Obviously I hope I’m wrong or I wouldn’t bother to write especially when today happens to be my busiest day of the year so far.

Thank you for your time, this meeting and all your meetings. You have a difficult job and I, more than most since I watch nearly every meeting, am very much aware of your time and commitment.

Warmly,

Elizabeth Cutler

Additional research yields:

In most cases, a **pharmacy is *not* considered an appropriate use for land designated as Public Use, unless** it is part of a larger *public* facility.

Here’s how it typically works:

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## When a Pharmacy *Could* Be Allowed on Public Use Land

A pharmacy might be appropriate **only if it is part of a public facility**, such as:

- A **public hospital** or health clinic
- A **county health department facility**
- A **VA or public medical center**

In these situations, the pharmacy directly supports the public purpose of the primary facility. Some jurisdictions classify these as “accessory uses” to a permitted public use.

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## When a Pharmacy Is *Not* Appropriate

A **stand-alone, privately operated commercial pharmacy** (e.g., CVS, Walgreens, Rite Aid, independent drugstore) usually **does NOT meet the Public Use definition** because:

- It is a **private commercial business**, not a public facility
- It does not serve a governmental, civic, or public-infrastructure purpose
- Zoning for Public Use is intended for schools, libraries, parks, civic centers, public works, hospitals, etc.

**Most zoning codes place pharmacies in commercial districts, not public-use districts.**

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## Exceptions (Rare)

Some cities may allow:

- **Leasing of small spaces within public buildings** to private vendors
- **Commercial services that directly support a public facility’s function**

But these require specific authorization or conditional use permits.





## ORDINANCE 2026-01

### **An ordinance of the Springdale Town Council amending Chapter 6-2 of the Town Code, adding a prohibition on parking for the purposes of overnight camping**

**Whereas**, the Town regulates parking on streets and public areas to promote safety, reduce traffic congestion, and preserve the Town's village character, and

**Whereas**, in its General Plan the Town and land use ordinances the Town also emphasizes the need for transient lodging facilities that enhance the Town's character, and

**Whereas**, the Town has observed a growing pattern of visitors to Springdale occupying their vehicles overnight in public parking areas, and

**Whereas**, the Town finds that people camping in or occupying their vehicles overnight detracts from the Town's character, conflicts with the goals of the Town's transient lodging standards contained in the land use regulations, and presents safety and health threats to both the occupants of the vehicles and the general public, and

**Whereas**, in order to mitigate the negative impacts of overnight occupancy of parked vehicles the Town Council desires to amend the parking regulations to prohibit camping in or overnight occupancy of vehicles in the public right-of-way and public property,

**Now therefore be it ordained** by the Springdale Town Council that Section 6-2-9 of the Town Code is revised to read as follows:

#### 6-2-9: PARKING FOR CERTAIN PURPOSES PROHIBITED:

No person may park, stand, stop or allow to be parked or operated a motor vehicle upon any roadway or a public right-of-way within the Town, any public parking lot, or any private parking lot accessed by the public for parking, for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Greasing, repairing or servicing such vehicle, except repairs necessitated by an emergency.
- C. Displaying or advertising of any commercial matter.
- D. Selling foodstuffs or any other merchandise, except in conjunction with an event authorized by a temporary use permit.
- E. Parking, abandoning or storing unlicensed or improperly registered vehicles.
- F. Camping or overnight occupancy of a vehicle, including a towed vehicle such as a trailer.

V. LOWRY SNOW  
CURTIS M. JENSEN  
LEWIS P. REECE  
J. GREGORY HARDMAN  
MATTHEW J. ENCE\*  
CAMERON M. MORBY\*  
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JEFFREY R. MILES  
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[OFFICES IN ST. GEORGE, CEDAR CITY AND KANAB](#)

\*Licensed in Utah and Nevada

**DATE: January 8, 2026**

**TO: Springdale Town Council and Members of the Public**

**FROM: J. Gregory Hardman, Springdale Town Attorney**

**RE: Town Attorney's Report for January 14, 2026 Town Council Meeting Agenda Item –  
Jeff McKee's Request for Town Council to Create "Community Oversight Committee"**

In multiple email communications with the Town officials and his oral statement made during the public comment portion of the December 10, 2025 Town Council meeting, Jeff McKee ("McKee") raised allegations of a hostile work environment on behalf of himself and various other unnamed Town employees, and requested the Town Council perform an independent review of these allegations. More specifically, McKee has requested the Town form an independent "Community Oversight Committee" ("COC").<sup>1 2</sup> McKee contends that if the Town fails to form a COC to provide an independent review of these alleged grievances, he may be forced to pursue a claim under the Utah Protection of Public Employees Act, also known as the Utah Whistleblower's Act ("WBA").<sup>3</sup>

## **I. Protections Offered Under the WBA.**

Under the WBA, a public employer "may not take retaliatory action against an employee because the employee ... communicates in good faith: (i) the waste or misuse of public funds, property, or manpower; (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state ... [or] a political subdivision of this state...."<sup>4</sup> "[A]n employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both, **within 180 days** after the occurrence of the alleged violation of this chapter."<sup>5</sup>

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<sup>1</sup> See November 14, 2025 Email from Jeff McKee to Springdale Town Councilmembers and Mayor Barbara Bruno's Reply Email, dated November 18, 2025, submitted herewith as **Exhibit 1**.

<sup>2</sup> "Community Oversight Committee" ("COC") is a term of art used by McKee in his various communications with the Town Council. COC is not a term utilized in the Utah Code. For ease of reference here, we will use this term of art and its acronym as used by McKee.

<sup>3</sup> Utah Code Ann. § 67-21-1 *et seq.*, submitted herewith as **Exhibit 2**.

<sup>4</sup> U.C.A. § 67-21-3(1)(a).

<sup>5</sup> U.C.A. § 67-21-4(1)(a) (emphasis added).

## **Town Attorney's Report for January 14, 2026 Town Council Meeting Agenda Item – Jeff McKee's Request for Town Council to Create "Community Oversight Committee"**

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Utah courts have held that "a plaintiff seeking relief under the WBA is required to 'file a notice of claim [under the Governmental Immunity Act] *and* a civil action—i.e., a district court complaint—within 180 days of the adverse employment decision."<sup>6</sup>

While the WBA provides that "[a] political subdivision **may** adopt an ordinance to establish an independent personnel board to hear and take action on a complaint alleging retaliatory action," the creation of an independent personnel board is permissive and not required of the Town.<sup>7</sup>

### **II. Supporting Materials.**

In addition to the WBA, McKee cites to a number of additional sources in ostensible support of his request for the Town to form a COC, including the Open and Public Meetings Act, notes from the Utah Office of the State Auditor Hotline of Frequently Asked Questions ("FAQs"), and the Springdale Tourism Report. While it is clear that the Open and Public Meetings Act requires the Town to "take [its] actions openly ... and conduct [its] deliberations openly" it does not require or even suggest the formation of a COC in the pursuit of such actions.<sup>8</sup> Indeed, public participation under the Open and Public Meetings Act is defined as "the ability to communicate with all the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication."<sup>9</sup> While public meetings such as those held by the Town Council must be open and observable to citizens, the Town Council is not required under the Open and Public Meetings Act to create or implement any type of COC in the performance of its duties.

Under the Utah Office of the State Auditor Hotline FAQs, there is no mention of recommendations for establishing a COC or advisory committee as suggested in McKee's November 14, 2025 email to Town officials, though the website does specify that "[d]isagreements with management decisions or actions taken by elected officials that are deemed to be within their authority or management discretion will not be investigated."<sup>10</sup> Furthermore, "[w]hile the State Auditor is a designated receiver for whistleblower complaints, the State Auditor does not have the authority to investigate alleged adverse actions by the complainant's employer and cannot advocate on the employee's behalf. Should a public employer take adverse action in violation of the statute against a public employee, the burden of contesting that action remains with the employee. Complainants should consider consulting private legal counsel."<sup>11</sup> Anyone wishing to file a complaint with the State Auditor Hotline must "provide credible information and substantiated data with each complaint ... [that] includes specifics on 'who, what, where, when'

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<sup>6</sup> *Pead v. Ephraim City*, 2020 UT App 113, ¶ 15, 473 P.3d 175, 180, citing *Thorpe v. Washington City*, 2010 UT App 297, ¶ 20, 243 P.3d 500 (cleaned up), submitted herewith as **Exhibit 3**.

<sup>7</sup> U.C.A. § 67-21-3.6(1)(a) (emphasis added).

<sup>8</sup> U.C.A. § 52-4-102(2) ; *see also* U.C.A. § 52-4-101, *et seq.*, submitted herewith as **Exhibit 4**.

<sup>9</sup> U.C.A. § 52-4-103(6).

<sup>10</sup> *See* Utah State Auditor Hotline FAQ's at <https://auditor.utah.gov/hotline/hotline-faqs/>, "What is the Screening and Prioritization Process for Complaints About Improper Government Activities?" - submitted herewith as **Exhibit 5**.

<sup>11</sup> *Id.*, "What is Whistleblower Protection?"

## **Town Attorney's Report for January 14, 2026 Town Council Meeting Agenda Item – Jeff McKee's Request for Town Council to Create "Community Oversight Committee"**

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as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence."<sup>12</sup>

In McKee's November 14, 2025 email to the Town Council, he states in the first paragraph as follows: "This structure [referring to COCs] mirrors successful models in other Utah municipalities (e.g., citizen advisory boards in Park City and Moab)." In support of this assertion, he referenced the following: "Sample Charter from Park City Municipal Oversight Board: A Utah example of a resident-led committee with subpoena-like record access powers, adopted in 2022 to address similar ethics concerns (reference: [parkcity.org/departments/city-clerk/boards-commissions](https://parkcity.org/departments/city-clerk/boards-commissions))." You will note that the weblink McKee provided in his communication to Park City's website does not work.<sup>13</sup>

Furthermore, Rick Wixom reached out to representatives of Park City and Moab City to inquire about their COCs as represented by McKee. According to Rick, Park City Recorder Michelle Kellogg reported that Park City does not have a COC. Instead, only committee that might be similar to a COC in Park City is the Police Complaint Review Committee, which reportedly includes three residents and the chief of police. Details about this Park City committee may be found on the Park City Boards and Commissions website (<https://parkcity.gov/government/boards-commissions>).<sup>14</sup> Rick also spoke to Moab City Manager Michael Black. Like Park City, Mr. Black said Moab City does not have a COC. Moab City does have an audit committee, which includes one member of the community and has specific duties relative to the preparation of the annual audit. Details about this Moab City committee can be found on the Moab City Boards and Commissions website (<https://www.moabcity.gov/145/Boards-Commissions>). Moab City's ordinance establishing its Audit Committee was adopted in 2023, a copy of which is attached.<sup>15</sup>

Thus, notwithstanding McKee's representations, neither Park City nor Moab City has enacted a COC on the order of what he is proposing for the Town of Springdale to do. Similarly, while McKee's reference to the Springdale Tourism Report indicates the large number of visitors the Town receives each year, there is nothing to indicate that such visitation is dependent upon the creation of a COC or independent personnel board.

### **III. Review and the Town's Personnel Policies and Procedures Manual for Employee Grievances.**

For many years, the Town of Springdale has had written personnel policies and procedures to address employee grievances. The most current version, entitled "Springdale Personnel Policies and Procedures Manual," was adopted in April 2023 (the "Personnel Policy").<sup>16</sup> The Personnel Policy provides clear directions for Town employees who wish to file a formal grievance with the Town regarding conditions with their employment. A grievance is "defined as any dispute

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<sup>12</sup> *Id.*, "What Information and Data Do I Need to Provide?"

<sup>13</sup> See inoperable Park City weblink, submitted herewith as **Exhibit 6**.

<sup>14</sup> See Park City Website, Boards and Commissions Page, submitted herewith as **Exhibit 7**.

<sup>15</sup> Moab City Ordinance 2023-09, submitted herewith as **Exhibit 8**.

<sup>16</sup> Springdale Personnel Policies and Procedures Manual (rev. April 2023), submitted herewith as **Exhibit 9**.

**Town Attorney's Report for January 14, 2026 Town Council Meeting Agenda Item – Jeff McKee's Request for Town Council to Create "Community Oversight Committee"**

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regarding the meaning, interpretation, application, or alleged violation of the terms and provisions of the personnel policies and procedures" of the Town.<sup>17</sup> The Personnel Policy states that "[g]rievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed."<sup>18</sup> A Town employee must first "advise his or her immediate supervisor of [the] employee's grievance within ten (10) calendar days following the occurrence or event giving rise to the grievance or within ten (10) calendar days of when the employee acquired knowledge of the occurrence or event."<sup>19</sup> Thereafter, the employee's "supervisor shall respond to the employee's grievance within ten (10) working days of the receipt of the grievance" and "may use an additional ten (10) working days to respond to the grievance if extenuating circumstances exist and if the employee agrees to this extension."<sup>20</sup> If the supervisor fails to respond in this time period or if the employee finds the response unacceptable "the employee may proceed to the formal process."<sup>21</sup>

In order to pursue a formal employment grievance with the Town, an employee must prepare and submit a written grievance appeal containing the following information:

- a) Name of the employee;
- b) Date the occurrence or action underlying the grievance occurred;
- c) Nature of the grievance;
- d) Historical information related to the grievance;
- e) Requested resolution; and
- f) Signature of the employee filing the grievance and date filed.<sup>22</sup>

The written grievance must be filed "with the Town Manager or Police Chief within five (5) working days after receipt of the supervisor's response," who will then commence and conclude an investigative period regarding the matter within ten (10) working days after receipt of the grievance and issue a written decision within five (5) working days after the investigation has concluded, after which "[t]he decision of the Town Manager or Police Chief shall be final and binding on all parties."<sup>23</sup> All "[w]ritten grievances shall be considered private data under the Government Records Access Management Act of the State of Utah (GRAMA)" and "[t]he Mayor and Town Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed."<sup>24</sup>

While there is no direct provision for an alternate grievance review process if the police chief or town manager are the basis for the employee's grievance, there are other provisions in the Personnel Policy that support designating the Town Council as the appropriate body to review

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<sup>17</sup> *Id.* at 79.

<sup>18</sup> *Id.* at 81.

<sup>19</sup> *Id.* at 80.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 81.

<sup>23</sup> *Id.* at 81–82.

<sup>24</sup> *Id.* at 82–83.

**Town Attorney's Report for January 14, 2026 Town Council Meeting Agenda Item – Jeff McKee's Request for Town Council to Create "Community Oversight Committee"**

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such matters, such as an appeal for disciplinary actions.<sup>25</sup> Any such appeal to the Town Council must include "a written request for an appeal to the Town Clerk within ten (10) calendar days" after a final written grievance decision has been issued.<sup>26</sup>

**IV. Political Subdivisions Ethics Review Commission**

Allegations against the Town from McKee include various ethical violations, which may fall under the Municipal Officers' and Employees' Ethics Act (the "MOEEA").<sup>27</sup> McKee was previously directed to the Political Subdivisions Ethics Review Commission ("PSERC") as an independent body to which he could pursue such allegations.<sup>28</sup> The MOEEA allows but does not require municipalities to create a municipal ethics commission to review such allegations.<sup>29</sup> As the Town has never opted to form such a committee under the MOEEA, the PSERC provides an independent panel that could review such matters as set forth under Utah law.

**V. Conclusion**

In sum, there does not appear to be any statutory or case law provisions on which McKee can demand that the Town Council create a COC. Furthermore, the creation of municipal committees under the WBA and the MOEEA are voluntary and discretionary. The Town has a comprehensive employee grievance procedure set forth in the Personnel Policy. These provisions provide a clear and open process for Town employees to seek review of any alleged grievance against the Town as part of their employment, inclusive of the right to appeal directly to the Town Council if an employee has a grievance with the town manager or the police chief and timely requests review by the Town Council.

SNOW JENSEN & REECE, P.C.

/s/ *J. Gregory Hardman*

J. Gregory Hardman

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<sup>25</sup> *Id.* at 77.

<sup>26</sup> *Id.*

<sup>27</sup> U.C.A. § 10-3-1301, *et seq.*, submitted herewith as **Exhibit 10**.

<sup>28</sup> U.C.A. § 63A-15-101, *et seq.* submitted herewith as **Exhibit 11**.

<sup>29</sup> U.C.A. § 10-3-1311.

# EXHIBIT 1



**From:** [Barbara Bruno](#)  
**To:** [Jeff McKee](#)  
**Cc:** [Greg Hardman](#); [Rick Wixom](#)  
**Subject:** Re: Request to be on the agenda for next town council meeting  
**Date:** Tuesday, November 18, 2025 11:04:20 AM

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Jeff,

The Town Council agrees to your request to add as an agenda item at a future Town Council meeting whether the Town should form an independent Community Oversight Committee. This item will be put on the agenda for Town Council discussion at a future meeting. Thank you.

Barbara

On Fri, Nov 14, 2025 at 1:01 PM Jeff McKee <[jeffmckee001@gmail.com](mailto:jeffmckee001@gmail.com)> wrote:

**The Town of Springdale Utah Town Council Request for Agenda**

Name: Jeff A. McKee

Phone: 2088712302

Email: [jeffmckee001@gmail.com](mailto:jeffmckee001@gmail.com)

**Topic/Proposal:**

Request to discuss and consider a resolution directing the Town Clerk to initiate the formation of an independent Community Oversight Committee (COC) for the Town of Springdale, as authorized under Utah's open government and whistleblower protection frameworks (Utah Code Ann. § 67-21 et seq. and § 52-4, Open and Public Meetings Act). The COC would consist of 5-7 volunteer residents, selected via public application and lottery to ensure broad representation, with a charter granting authority to: (1) receive anonymous reports of potential waste, mismanagement, ethical concerns, or violations of law by town staff or officials; (2) conduct confidential preliminary reviews and recommend independent investigations; (3) issue advisory subpoenas for records (per Utah Code Ann. § 77-22-2, administrative subpoena powers for oversight entities); and (4) report findings publicly, excluding protected whistleblower identities, to promote accountability without fear of retaliation. The committee would operate with a modest annual budget of (TBD ~ \$5,000-\$10,000) from the general fund, meeting quarterly or as needed, and dissolving after three years unless renewed. This structure mirrors successful models in other Utah municipalities (e.g., citizen advisory boards in Park City and Moab) and aligns with state incentives for local entities to enhance whistleblower safeguards, ensuring fair, anonymous reporting channels that build resident confidence in town governance.

**Community Relevance:**

Springdale's unique position as the gateway to Zion National Park relies on a reputation for ethical, transparent leadership to sustain our tourism-driven economy (over 4.5 million

annual visitors) and small-town trust among 500+ residents. Recent state audits highlight that 70% of Utah local governments face whistleblower concerns annually, often due to limited anonymous reporting options, leading to unreported issues like resource misuse or procedural inequities that erode public faith (Utah Office of the State Auditor, 2024 Hotline Report). Forming a COC addresses this by empowering residents to safeguard town resources—such as equitable code enforcement, vendor bidding for events, and staff hiring practices—without burdening the Council or risking internal biases. It fosters proactive ethics, reduces litigation risks (e.g., under Utah's Whistleblower Protection Act, which prohibits retaliation for good-faith reports), and positions Springdale as a model for rural Utah communities. This initiative directly benefits families, businesses, and visitors by ensuring decisions prioritize community welfare, preventing small issues from escalating into costly controversies that could harm our park-adjacent identity.

### **Supporting Material:**

Utah Protection of Public Employees Act (Utah Code Ann. § 67-21-1 et seq.): Outlines state protections for anonymous reporting of waste, abuse, or ethical violations in local government; supports local mechanisms like COCs to enable compliance without direct Council involvement. (Available at: [le.utah.gov/xcode/Title67/Chapter21/67-21.html](https://leg.utah.gov/xcode/Title67/Chapter21/67-21.html))

Open and Public Meetings Act (Utah Code Ann. § 52-4-101 et seq.): Encourages citizen participation in oversight bodies to enhance transparency; relevant for chartering a COC with public reporting requirements. (Available at: [le.utah.gov/xcode/Title52/Chapter4/52-4.html](https://leg.utah.gov/xcode/Title52/Chapter4/52-4.html))

Utah Office of the State Auditor Hotline FAQs (2024): Notes that anonymous complaints invoke limited protections but recommends local supplements like advisory committees for thorough, community-led reviews. (Available at: [auditor.utah.gov/hotline/hotline-faqs/](https://auditor.utah.gov/hotline/hotline-faqs/))

Sample Charter from Park City Municipal Oversight Board: A Utah example of a resident-led committee with subpoena-like record access powers, adopted in 2022 to address similar ethics concerns (reference: [parkcity.org/departments/city-clerk/boards-commissions](https://parkcity.org/departments/city-clerk/boards-commissions)).

Local Economic Data: Springdale Tourism Report (2023), showing \$150M+ annual visitor spend reliant on governance trust ([springdaletown.com/economic-development](https://springdaletown.com/economic-development)).

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**BARBARA BRUNO**

Mayor of Springdale

801-243-5861 cell

[bbruno@springdale.utah.gov](mailto:bbruno@springdale.utah.gov)

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# EXHIBIT 2

## Chapter 21

### Utah Protection of Public Employees Act

#### 67-21-1 Short title.

This chapter is known as the "Utah Protection of Public Employees Act."

Enacted by Chapter 216, 1985 General Session

#### 67-21-2 Definitions.

As used in this chapter:

- (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:
  - (a) adversely affects the employment rights of another; or
  - (b) results in personal gain to the person exercising the authority or to another person.
- (2) "Communicate" means a verbal, written, broadcast, or other communicated report.
- (3) "Damages" means general and special damages for injury or loss caused by each violation of this chapter.
- (4) "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied.
- (5)
  - (a) "Employer" means the public body or public entity that employs the employee.
  - (b) "Employer" includes an agent of an employer.
- (6) "Good faith" means that an employee acts with:
  - (a) subjective good faith; and
  - (b) the objective good faith of a reasonable employee.
- (7) "Gross mismanagement" means action or failure to act by a person, with respect to a person's responsibility, that causes significant harm or risk of harm to the mission of the public entity or public body that employs, or is managed or controlled by, the person.
- (8) "Judicial employee" means an employee of the judicial branch of state government.
- (9) "Legislative employee" means an employee of the legislative branch of state government.
- (10) "Political subdivision employee" means an employee of a political subdivision of the state.
- (11) "Public body" means any of the following:
  - (a) a state officer, employee, agency, department, division, bureau, board, commission, council, authority, educational institution, or any other body in the executive branch of state government;
  - (b) an agency, board, commission, council, institution member, or employee of the legislative branch of state government;
  - (c) a county, city, town, regional governing body, council, school district, special district, special service district, or municipal corporation, board, department, commission, council, agency, or any member or employee of them;
  - (d) any other body that is created by state or local authority, or that is primarily funded by or through state or local authority, or any member or employee of that body;
  - (e) a law enforcement agency or any member or employee of a law enforcement agency; and
  - (f) the judiciary and any member or employee of the judiciary.
- (12) "Public entity" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
- (13) "Public entity employee" means an employee of a public entity.
- (14) "Retaliatory action" means the same as that term is defined in Section 67-19a-101.

(15) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.

(16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

Amended by Chapter 16, 2023 General Session

**67-21-3 Reporting of governmental waste or violations of law -- Employer action -- Exceptions.**

- (1)
- (a) An employer may not take retaliatory action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith:
    - (i) the waste or misuse of public funds, property, or manpower;
    - (ii) a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or any recognized entity of the United States; or
    - (iii) as it relates to a state government employer:
      - (A) gross mismanagement;
      - (B) abuse of authority; or
      - (C) unethical conduct.
  - (b) For purposes of Subsection (1)(a), an employee is presumed to have communicated in good faith if the employee gives written notice or otherwise formally communicates the conduct described in Subsection (1)(a) to:
    - (i) a person in authority over the person alleged to have engaged in the conduct described in Subsection (1)(a);
    - (ii) the attorney general's office;
    - (iii) law enforcement, if the conduct is criminal in nature;
    - (iv) if the employee is a public entity employee, public body employee, legislative employee, or a judicial employee:
      - (A) the state auditor's office;
      - (B) the president of the Senate;
      - (C) the speaker of the House of Representatives;
      - (D) the Office of Legislative Auditor General;
      - (E) the governor's office;
      - (F) the state court administrator; or
      - (G) the Division of Finance;
    - (v) if the employee is a public entity employee, but not an employee of a state institution of higher education, the director of the Division of Purchasing and General Services;
    - (vi) if the employee is a political subdivision employee:
      - (A) the legislative body, or a member of the legislative body, of the political subdivision;
      - (B) the governing body, or a member of the governing body, of the political subdivision;
      - (C) the top executive of the political subdivision; or
      - (D) any government official with authority to audit the political subdivision or the applicable part of the political subdivision; or
    - (vii) if the employee is an employee of a state institution of higher education:
      - (A) the Utah Board of Higher Education or a member of the Utah Board of Higher Education;
      - (B) the commissioner of higher education;
      - (C) the president of the state institution of higher education where the employee is employed;or

- (D) the entity that conducts audits of the state institution of higher education where the employee is employed.
- (c) The presumption described in Subsection (1)(b) may be rebutted by showing that the employee knew or reasonably ought to have known that the report is malicious, false, or frivolous.
- (2) An employer may not take retaliatory action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the public body.
- (3) An employer may not take retaliatory action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of this state, a political subdivision of this state, or the United States, or a rule or regulation adopted under the authority of the laws of this state, a political subdivision of this state, or the United States.
- (4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document:
  - (a) the waste or misuse of public funds, property, or manpower;
  - (b) a violation or suspected violation of any law, rule, or regulation; or
  - (c) as it relates to a state government employer:
    - (i) gross mismanagement;
    - (ii) abuse of authority; or
    - (iii) unethical conduct.

Amended by Chapter 174, 2022 General Session

**67-21-3.5 Administrative review of retaliatory action against a public entity employee.**

- (1) A public entity employee who believes that the employee's employer has taken retaliatory action against the employee in violation of this chapter may file a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5 and subject to Section 67-21-4.
- (2) If the Career Service Review Office determines that retaliatory action is taken in violation of this chapter against the public entity employee, the Career Service Review Office may order:
  - (a) reinstatement of the public entity employee at the same level held by the public entity employee before the retaliatory action;
  - (b) the payment of back wages, in accordance with Subsection 67-19a-406(5)(b);
  - (c) full reinstatement of benefits;
  - (d) full reinstatement of other employment rights; or
  - (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the employee had been promoted.
- (3) A public entity employer has the burden to prove by substantial evidence that the public entity employer's action was justified.
- (4) A public entity employee or public entity employer may appeal a determination of the Career Service Review Office as provided in Section 67-19a-402.5.

Amended by Chapter 174, 2022 General Session

**67-21-3.6 Administrative review for political subdivision employees.**

- (1)



- (a) A political subdivision may adopt an ordinance to establish an independent personnel board to hear and take action on a complaint alleging retaliatory action.
- (b) The ordinance described in Subsection (1)(a) shall include:
  - (i) procedures for filing a complaint and conducting a hearing; and
  - (ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.
- (2) If a political subdivision adopts an ordinance described in Subsection (1), a political subdivision employee may file a complaint with the independent personnel board alleging retaliatory action.
- (3) If an independent personnel board finds that retaliatory action is taken in violation of the ordinance described in Subsection (1)(a), the independent personnel board may order:
  - (a) reinstatement of the employee at the same level as before the retaliatory action;
  - (b) the payment of back wages;
  - (c) full reinstatement of fringe benefits;
  - (d) full reinstatement of seniority rights; or
  - (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.

Amended by Chapter 174, 2022 General Session

**67-21-3.7 Administrative review for state institution of higher education employees.**

- (1)
  - (a) As used in this section, "independent personnel board" means a board where no member of the board:
    - (i) is in the same department as the complainant;
    - (ii) is a supervisor of the complainant; or
    - (iii) has a conflict of interest in relation to the complainant or an allegation made in the complaint.
  - (b) A state institution of higher education shall adopt a policy to establish an independent personnel board to hear and take action on a complaint alleging retaliatory action.
  - (c) The policy described in Subsection (1)(b) shall include:
    - (i) procedures for filing a complaint and conducting a hearing; and
    - (ii) a burden of proof on the employer to establish by substantial evidence that the employer's action was justified by reasons unrelated to the employee's good faith actions under Section 67-21-3.
- (2)
  - (a) An employee of a state institution of higher education may file a complaint with the independent personnel board described in Subsection (1)(b) alleging retaliatory action.
  - (b) An independent personnel board that receives a complaint under Subsection (2)(a) shall hear the matter, resolve the complaint, and take action under Subsection (3) within the later of:
    - (i) 30 days after the day on which the employee files the complaint; or
    - (ii) a longer period of time, not to exceed 30 additional days, if the employee and the independent personnel board mutually agree on the longer time period.
- (3) If an independent personnel board finds that retaliatory action is taken in violation of the policy described in Subsection (1)(b), the independent personnel board may order, or recommend to a final decision maker:
  - (a) reinstatement of the employee at the same level as before the retaliatory action;

- (b) the payment of back wages;
  - (c) full reinstatement of fringe benefits;
  - (d) full reinstatement of seniority rights; or
  - (e) if the retaliatory action includes failure to promote, as described in Subsection 67-19a-101(11)(d), a pay raise that results in the employee receiving the pay that the employee would have received if the person had been promoted.
- (4) A final decision maker who receives a recommendation under Subsection (3) shall render a decision and enter an order within seven days after the day on which the final decision maker receives the recommendation.

Amended by Chapter 174, 2022 General Session

**67-21-4 Choice of forum -- Remedies for employee bringing action -- Proof required.**

- (1)
- (a) Except as provided in Subsection (1)(b) or (d), and subject to Subsections (1)(d) through (e), an employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.
  - (b) Except as provided in Subsection (1)(d):
    - (i) an employee of a political subdivision that has adopted an ordinance described in Section 67-21-3.6:
      - (A) may bring a civil action described in Subsection (1)(a) within 180 days after the day on which the employee has exhausted administrative remedies; and
      - (B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies; and
    - (ii) an employee of a state institution of higher education:
      - (A) may bring a civil action described in Subsection (1)(a) within 180 days after the day on which the employee has exhausted administrative remedies; and
      - (B) may not bring a civil action described in Subsection (1)(a) until the employee has exhausted administrative remedies.
  - (c) Except as provided in Subsection (1)(d), a public entity employee who is not a legislative employee or a judicial employee may bring a claim of retaliatory action by selecting one of the following methods:
    - (i) filing a grievance with the Career Service Review Office in accordance with Section 67-19a-402.5; or
    - (ii) bringing a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation of this chapter.
  - (d)
    - (i) A claimant may bring an action after the 180-day limit described in this Subsection (1) if:
      - (A) the claimant originally brought the action within the 180-day time limit;
      - (B) the action described in Subsection (1)(d)(i)(A) failed or was dismissed for a reason other than on the merits; and
      - (C) the claimant brings the new action within 180 days after the day on which the claimant originally brought the action under Subsection (1)(d)(i)(A).
    - (ii) A claimant may commence a new action under this Subsection (1)(d) only once.
  - (e) A public entity employee who files a grievance under Subsection (1)(d)(i):
    - (i) may not, at any time, bring a civil action in relation to the subject matter of the grievance;
    - (ii) may seek a remedy described in Subsection 67-21-3.5(2); and

- (iii) waives the right to seek a remedy or a type of damages not included in Subsection 67-21-3.5(2).
- (f) A public entity employee who files a civil action under Subsection (1)(d)(ii) may not, at any time, file a grievance with the Career Service Review Office in relation to the subject matter of the civil action.
- (2) An employee who brings a civil action under this section shall bring the action in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has the person's principal place of business.
- (3)
  - (a) An employee who brings an action under this section has the burden of proving by a preponderance of the evidence that the employee, in good faith, engaged in protected reporting and suffered a retaliatory action.
  - (b) If the employee satisfies the burden described in Subsection (3)(a), the employer has the burden of proving by substantial evidence that the employer's action was justified.
  - (c) If the employer satisfies the burden described in Subsection (3)(b), the employee has the burden of proving by a preponderance of the evidence that the employer's justification is pretextual.

Amended by Chapter 174, 2022 General Session

**67-21-5 Court orders for violation of chapter.**

- (1) A court, in rendering a judgment in an action brought under this chapter, may order reinstatement of the employee at the same level, the payment of back wages, full reinstatement of fringe benefits and seniority rights, damages, or any combination of these remedies.
- (2) A court shall award the complainant all or a portion of the costs of litigation, which are defined to include reasonable attorney fees and witness fees, if the court determines that the complainant prevails.

Amended by Chapter 427, 2013 General Session

**67-21-6 Civil fine.**

- (1)
  - (a) A person who violates this chapter is liable for a civil fine of not more than \$500.
  - (b) The person who takes a retaliatory action against an employee in violation of this chapter, and not the public body that employs the employee, shall, after receiving notice and an opportunity to be heard, pay the civil fine under this Subsection (1).
  - (c) If a person is ordered to pay a civil fine under this Subsection (1), the employer may dismiss the person who took the retaliatory action in violation of this chapter.
- (2) A civil fine ordered under this chapter shall be submitted to the state treasurer for deposit in the General Fund.
- (3) The civil fine described in this section may be imposed if a violation of this chapter is found by:
  - (a) an independent personnel board described in Subsection 67-21-3.6(1)(a) or 67-21-3.7(1)(a);
  - (b) the Career Service Review Office; or
  - (c) a court.

Amended by Chapter 174, 2022 General Session

**67-21-7 No impairment of employee rights under collective bargaining agreement.**

This chapter shall not be construed to diminish or impair the rights of an employee under any collective bargaining agreement.

Enacted by Chapter 216, 1985 General Session

**67-21-8 No compensation when participation in public inquiry.**

This chapter shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by a public body in accordance with Section 67-21-3.

Enacted by Chapter 216, 1985 General Session

**67-21-9 Notice of contents of this chapter -- Posting.**

- (1) An employer shall post notices and use other appropriate means to keep employees informed of their protections and obligations under this chapter.
- (2) An employer shall provide an employee with a copy of this chapter:
  - (a) when the employee is hired;
  - (b) upon a request by the employee; and
  - (c) when the employee files a grievance under this chapter.

Amended by Chapter 178, 2018 General Session

**67-21-10 False accusations.**

- (1) An employee violates this chapter if the employee knowingly makes a false accusation against an employer under this chapter.
- (2) An employee who violates Subsection (1), is subject to:
  - (a) a fine not to exceed \$5,000; and
  - (b) dismissal from employment.

Enacted by Chapter 427, 2013 General Session

# EXHIBIT 3

473 P.3d 175

Court of Appeals of Utah.

Darren PEAD, Appellee,

v.

EPHRAIM CITY, Appellant.

No. 20190416-CA

I

Filed August 6, 2020

Opinion

POHLMAN, Judge:

**Synopsis**

**Background:** After police officer's federal action against city was dismissed, [2018 WL 6573128](#), officer filed suit against city in district court, alleging that his termination was in violation of the Whistleblower Act (WBA). The Sixth District Court, Manti Department, M. James Brady, J., denied the city's motion to dismiss. City petitioned for interlocutory appeal.

**Holdings:** The Court of Appeals, [Pohlman, J.](#), held that:

officer failed to comply with notice provisions of Governmental Immunity Act (GIA), and

officer could not maintain WBA action against city where earliest date that office could file complaint after city's 60-day period for responding to claim had passed was outside the WBA's 180-day statute of limitations.

Reversed and remanded.

**Procedural Posture(s):** Interlocutory Appeal; Motion to Dismiss for Lack of Subject Matter Jurisdiction.

\*177 Sixth District Court, Manti Department, The Honorable [M. James Brady](#), No. 190600006

**Attorneys and Law Firms**

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Judge [Jill M. Pohlman](#) authored this Opinion, in which Judges [Kate Appleby](#) and [Ryan M. Harris](#) concurred.

¶1 Ephraim City appeals the district court's denial of its motion to dismiss Darren Pead's complaint against it for violations of Utah's Whistleblower Act. The City argues that Pead's complaint is time-barred and that, in concluding otherwise, the district court erroneously calculated the applicable sixty-day period for the City to respond to Pead's notice of claim. On this basis, the City asks that we reverse and remand the case with instructions to dismiss Pead's claim with prejudice. We agree and reverse.

**BACKGROUND**<sup>1</sup>

¶2 Between October 2015 and June 28, 2017,<sup>2</sup> Pead was employed as a police officer for the City. In early June, Pead and other officers reported to the City illegal misconduct in the police department involving incomplete reports and uninvestigated crimes. Following an investigation by Utah County, Pead resigned effective June 28. In his notice of resignation, Pead explained that he had no choice but to resign given the illegal conduct and retaliation against him.

¶3 On October 25, Pead filed a written notice of claim with the City pursuant to the Governmental Immunity Act of Utah (the GIA), *see* [Utah Code Ann. §§ 63G-7-401 to -403](#) (LexisNexis 2016 & Supp. 2017), claiming that he had been wrongfully terminated in violation of the Utah Protection of Public Employees Act—also known as the Whistleblower Act (the WBA), *see id.* § 67-21-4 (2016); *see also id.* § 63G-7-301(2) (f) (Supp. 2017) (providing that immunity from suit is waived for “actual damages” suits “under Title 67, Chapter 21,” of the WBA).<sup>3</sup> Pead then filed suit in federal district court on December 26, claiming violations of the WBA and the First Amendment to the United States Constitution. As of December 26, 181 days had elapsed since Pead's resignation in June.

¶4 The federal court dismissed Pead's First Amendment claim and declined to exercise supplemental jurisdiction over the whistleblower \*178 claim. Pead then filed the present action in state district court, again alleging violations of the WBA.

¶5 The City moved to dismiss the complaint. It argued that the district court was deprived of subject matter jurisdiction because Pead had not timely complied with the intersecting filing requirements of the GIA and the WBA. *See generally Thorpe v. Washington City*, 2010 UT App 297, ¶¶ 18–21, 243 P.3d 500 (construing the GIA and the WBA to require an employee “to file a notice of claim *and* a civil action—i.e., a district court complaint—within 180 days” of the adverse employment action (cleaned up)).

¶6 As applied to Pead, the City explained that under the GIA, it had sixty days from the filing of Pead's notice of claim to approve or deny it and that Pead could not file a legal action until after the City responded or the sixty days elapsed. Pead filed his notice of claim on October 25, and the sixtieth day fell on December 24. Noting that December 24 was a Sunday, and Monday, December 25 was a legal holiday, the City invoked a statutory rule of construction to argue that December 24 and December 25 were excluded from the time period calculation and that the time for it to respond to the notice of claim did not elapse until Tuesday, December 26. *See Utah Code Ann. § 68-3-7 (LexisNexis 2016)* (excluding weekends and legal holidays from the last day of any time period provided by law to “perform an act”). As a result, the City contended that, under the GIA, the earliest Pead could have filed his WBA action would have been December 27. Thus, his December 26 complaint was filed prematurely under the GIA, and a filing on December 27 (182 days from the date of his resignation) would have been too late under the WBA's 180-day statute of limitations.

¶7 In response, Pead argued that the GIA's sixty-day period for responding to the notice of claim could not be extended under computation of time rules because the claim was deemed denied by operation of law on the sixtieth day—in this case, December 24. Pead also asserted that he timely filed his complaint within the 180-day limitations period under the WBA, arguing that [rule 6 of the Utah Rules of Civil Procedure](#) applied to extend the last day for filing his complaint from December 25—a legal holiday and the 180th day after his resignation—to December 26, the date he filed his original complaint in federal court. *See Utah R. Civ. P. 6(a)* (explaining how to compute time periods specified in court rules, court orders, and statutes that do not specify a method for computing time).

¶8 The district court denied the City's motion. Noting that the timeliness of Pead's complaint was “determined by the intersection” of the GIA and the WBA, the court first

concluded that the complaint was timely filed under the 180-day limitations period of the WBA. The court applied [rule 6 of the Utah Rules of Civil Procedure](#) to determine that, although the “terminal date” from Pead's resignation was December 25, [rule 6](#) operated to extend the filing period to December 26. The court then determined that the sixty-day notice of claim period under the GIA ended on December 24. Rejecting the City's argument for time computation under [Utah Code section 68-3-7](#), the court relied on Utah caselaw to support its conclusion that the “60-day cutoff [under the GIA] ends at precisely 60 days, even when it occurs on a weekend.” On this basis, the court determined that the sixty-day period ended on December 24, sixty days from the date the notice of claim was filed on October 25. As a result, the court concluded that Pead satisfied both statutes by filing his complaint on December 26.

¶9 Pursuant to [rule 5 of the Utah Rules of Appellate Procedure](#), the City petitioned for interlocutory appeal of the district court's denial of its motion to dismiss, and we granted the petition.

## ISSUES AND STANDARDS OF REVIEW

¶10 The City challenges the district court's denial of its motion to dismiss. Specifically, the City argues that the district court “erroneously concluded that the statutory notice of claim period terminated after 60 days, despite the final day landing on a weekend.” Second, and relatedly, the City argues that the court erred in denying its motion to dismiss because Pead failed to “file his notice \*179 of claim with sufficient time under the [GIA] to allow him to comply with the 180-day statute of limitations under the [WBA].” “A trial court's decision to dismiss a case based on governmental immunity is a determination of law that we afford no deference.” *Hall v. Utah State Dep't of Corr.*, 2001 UT 34, ¶ 11, 24 P.3d 958. Likewise, the City's challenge requires that we interpret the relevant statutes, and we “review questions of statutory interpretation for correctness, affording no deference to the district court's legal conclusions.” *Grimm v. DxNA LLC*, 2018 UT App 115, ¶ 14, 427 P.3d 571 (cleaned up).

## ANALYSIS

¶11 The City argues that the district court erred by concluding that the sixty-day notice of claim response period under the GIA ended on December 24 and, by extension, that



Pead's complaint was timely filed under the WBA's 180-day limitations period. We agree.

¶12 This case involves the intersection of timelines in the GIA and the WBA. The GIA generally immunizes “each governmental entity and each employee of a governmental entity ... from suit for any injury that results from the exercise of a governmental function.” [Utah Code Ann. § 63G-7-201\(1\)](#) (LexisNexis 2016). But the GIA waives that immunity in certain cases, including from suits against a governmental entity for actual damages “under Title 67, Chapter 21,” of the WBA. *See id.* § 63G-7-301(2)(f) (Supp. 2017); *see also McGraw v. University of Utah*, 2019 UT App 144, ¶ 10, 449 P.3d 943 (“[T]he GIA expressly waives immunity from suits alleging retaliation under the WBA.” (cleaned up)). The WBA, in turn, prohibits an employer from taking adverse actions against an employee for the employee’s “good faith” communications regarding, among other things, “a violation or suspected violation of a law, rule, or regulation adopted under the law of this state [or] a political subdivision of this state” or, “as it relates to a state government employer,” “gross mismanagement,” “abuse of authority,” or “unethical conduct.” [Utah Code Ann. § 67-21-3\(1\)\(a\)](#) (LexisNexis 2016). *See generally Thorpe v. Washington City*, 2010 UT App 297, ¶¶ 11–12, 243 P.3d 500 (describing the overall operation of both the GIA and the WBA).

¶13 Our courts have “consistently and uniformly held that suit may not be brought against the state or its subdivisions unless the requirements of the [GIA] are strictly followed,” in that “any conditions placed on [a statutory right of action] must be followed precisely.” *Hall v. Utah State Dep’t of Corr.*, 2001 UT 34, ¶ 23, 24 P.3d 958; *accord McGraw*, 2019 UT App 144, ¶ 18, 449 P.3d 943; *see also Wheeler v. McPherson*, 2002 UT 16, ¶ 12, 40 P.3d 632 (“Applying this rule of strict compliance, we have repeatedly denied recourse to parties that have even slightly diverged from the exactness required by the [GIA].”). Indeed, “[c]ompliance with the [GIA] is a prerequisite to vesting a district court with subject matter jurisdiction over claims against governmental entities.” *Wheeler*, 2002 UT 16, ¶ 9, 40 P.3d 632.

¶14 One of the GIA requirements that must be “strictly followed” is filing the notice of claim and allowing the governmental entity sixty days to respond before filing a complaint in court. *See Hall*, 2001 UT 34, ¶¶ 21–26, 24 P.3d 958; *accord McGraw*, 2019 UT App 144, ¶¶ 12, 18, 24–27, 449 P.3d 943; *Thorpe*, 2010 UT App 297, ¶ 12, 243 P.3d 500 (“[A]n employee may bring a WBA claim against

a governmental entity, provided that the employee satisfies the GIA requirement of filing a notice of claim.”). More specifically, under the GIA, once a notice of claim has been properly filed, *see Utah Code Ann. § 63G-7-402* (LexisNexis 2016), “[w]ithin 60 days ... the governmental entity ... shall inform the [employee] in writing that the claim has either been approved or denied,” *id.* § 63G-7-403(1)(a) (Supp. 2017). If the governmental entity does not “approve or deny the claim” “at the end of the 60-day period,” the claim is “considered to be denied.” *Id.* § 63G-7-403(1)(b). Significantly, “[o]nce a plaintiff’s notice of claim is filed, the [GIA] continues to bar its initiation in court until the [governmental entity] either denies the claim in writing or fails to act.” *Hall*, 2001 UT 34, ¶ 22, 24 P.3d 958 (“Only after the [governmental entity] has had the opportunity to consider the claim for [the requisite time period] is suit against the government \*180 allowed.”); *accord McGraw*, 2019 UT App 144, ¶ 25, 449 P.3d 943 (explaining that “existing case law ... has consistently interpreted [the GIA] to bar the act of filing a complaint in the district court until the expiration of the sixty-day waiting period”); *Thorpe*, 2010 UT App 297, ¶¶ 20–21, 243 P.3d 500.

¶15 Once the sixty-day notice of claim period has expired, the WBA’s 180-day statute of limitations applicable to whistleblower claims comes into play. *See Thorpe*, 2010 UT App 297, ¶¶ 18–21, 243 P.3d 500. Under the WBA, “an employee who alleges a violation ... may bring a civil action for appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the alleged violation.” [Utah Code Ann. § 67-21-4\(1\)\(a\)](#) (LexisNexis 2016). Significantly, as this court explained in *Thorpe*, when construed and applied together, “the WBA’s provisions—including its 180-day statutory period for filing a complaint—govern over the more general GIA provisions.” 2010 UT App 297, ¶ 20, 243 P.3d 500. This means that a plaintiff seeking relief under the WBA is required to “file a notice of claim *and* a civil action—i.e., a district court complaint—within 180 days” of the adverse employment decision. *Id.* (cleaned up).

¶16 As a practical matter, plaintiffs seeking to assert claims against governmental entities under the WBA must therefore “proceed more quickly than either the WBA or the GIA would suggest when their respective terms are considered in isolation.” *Id.* ¶ 21. “[B]ecause the GIA requires that the governmental entity be allowed 60 days to review the notice of claim and approve or deny it, it follows that the plaintiff must submit the notice of claim before the elapse of 120 days from the date of the alleged WBA violation so that,



after the governmental entity either denies or fails to approve the notice of claim within 60 days, the plaintiff may still file a timely complaint within the WBA's 180-day statutory period.” *Id.* (cleaned up).

¶17 Here, neither party disputes the applicability of the sixty-day and 180-day periods under the GIA and the WBA or that both the notice of claim and the civil action filed in federal court had to be filed within 180 days of the adverse employment action—Pead’s June 28 resignation. Rather, the parties dispute how those time periods ought to be computed for purposes of counting days.

¶18 The City argues that the sixty-day notice of claim period should have been counted according to [Utah Code section 68-3-7](#) or [rule 6 of the Utah Rules of Civil Procedure](#), either one of which would have given it until December 26 to respond to Pead’s notice of claim (with the result that Pead could not have filed his complaint in federal court until December 27—182 days from his resignation). *See* [Utah Code Ann. § 68-3-7 \(LexisNexis 2016\)](#); [Utah R. Civ. P. 6\(a\) \(1\)](#).

¶19 Pead, on the other hand, argues that the district court got it right. He contends that under the relevant provisions of the GIA, his notice of claim was automatically deemed denied on the sixtieth day, regardless of whether that day fell on a weekend or a legal holiday, which would have been December 24. On this basis, he argues that his civil action under the WBA was timely filed on December 26.

¶20 The resolution of this appeal therefore hinges on whether the district court erred in its computation of the sixty-day notice of claim period. If it did not, and the sixty days expired by operation of law on December 24, then Pead’s December 26 complaint was not prematurely filed under the GIA (and was timely under the WBA). In contrast, if the district court erred in its computation and instead ought to have excluded December 24 and December 25, then the notice of claim period extended through December 26, rendering the filing premature.

¶21 This issue is one of statutory interpretation. “When interpreting statutes, our primary goal is to evince the true intent and purpose of the Legislature.” [Schleger v. State, 2018 UT App 84, ¶ 11, 427 P.3d 300](#) (cleaned up). “As we have often noted, the best evidence of the legislature’s intent is the plain language of the statute itself.” [Monarrez v. Utah Dep’t of Transp., 2016 UT 10, ¶ 11, 368 P.3d 846](#) (cleaned up).

In discerning legislative intent, “we seek to render all parts thereof relevant and meaningful, and we accordingly avoid interpretations that will render \*181 portions of a statute superfluous or inoperative.” [Thorpe, 2010 UT App 297, ¶ 18, 243 P.3d 500](#) (cleaned up). We also “do not interpret the plain meaning of a statutory term in isolation” and instead “determine the meaning of the text given the relevant context of the statute.” [Monarrez, 2016 UT 10, ¶ 11, 368 P.3d 846](#) (cleaned up). As a result, “we read the plain language of the statute as a whole, and interpret its provisions in harmony with other statutes in the same chapter and related chapters.” *Id.* (cleaned up).

¶22 We begin by addressing whether the district court erred in determining that the sixty-day notice of claim time period under the GIA elapsed on December 24, and we ultimately conclude that the court erred. We then address the consequences of the court’s error as it pertains to the timeliness of Pead’s filing under the WBA.

#### I. Timeliness Under the GIA

¶23 As explained above, the GIA provides that governmental entities have sixty days to approve or deny a claim. *See* [Utah Code Ann. § 63G-7-403\(1\)](#) (LexisNexis Supp. 2017). However, the GIA does not instruct how to compute those sixty days. For example, the GIA does not state whether the day the notice of claim was filed is included in the computation. Similarly, and of particular significance here, the GIA does not state how the time is computed when the sixtieth day falls on a weekend or a legal holiday. *See generally id.* §§ 63G-7-101 to -904 (LexisNexis 2016 & Supp. 2017).

¶24 But the fact that the GIA does not answer these questions does not mean that the legislature has left us without guidance. Indeed, the legislature has adopted a statutory provision instructing on this very issue. Title 68, Chapter 3, of the Utah Code addresses how the legislature intends statutes of the Utah Code to be construed. *See id.* §§ 68-3-1 to -14; *see also State Board of Land Comm’rs v. Ririe, 56 Utah 213, 190 P. 59, 63 (1920)* (Thurman, J., concurring) (“Rules of construction adopted by the Legislature are entitled to serious consideration in arriving at the intent and meaning of the statutes.”). And as the City points out, [Utah Code section 68-3-7](#) expressly sets forth a specific method for computing time periods described in statutes. It provides,

(1) A person shall compute the period of time provided by law to perform an act by: (a) excluding the first day; and (b) except as provided in Subsection (2), including the last day.

(2) If the last day is a legal holiday, a Saturday, or a Sunday, then a person shall: (a) exclude the day described in this Subsection (2) from the time computation described in Subsection (1); and (b) compute the period of time to include the end of the next day that is not a legal holiday, a Saturday, or a Sunday.

Utah Code Ann. § 68-3-7 (2016). On its face, section 68-3-7 thus provides a method of computation specifically applicable to statutes that include stated time periods to perform an act, such as responding to a notice of claim filed pursuant to the GIA. See *Monarrez v. Utah Dep't of Transp.*, 2016 UT 10, ¶ 11, 368 P.3d 846; *Hall v. Utah State Dep't of Corr.*, 2001 UT 34, ¶ 15, 24 P.3d 958. In this respect, we agree with the City that section 68-3-7 provides an “unambiguous methodolog[y] for calculating statutory deadlines that fall on a weekend or holiday” as applied to the GIA’s notice of claim provisions.

¶25 Nevertheless, Pead offers several arguments against section 68-3-7’s application to this case, none of which we find persuasive.

¶26 First, the district court rejected application of section 68-3-7 to compute the notice of claim time period in large part by determining that “Utah appellate courts have found in multiple cases that [the] 60-day cutoff [for notice of claims under the GIA] ends at precisely 60 days, even when it occurs on a weekend.” Pead echoes this, arguing that “prior appellate decisions show” that his notice of claim was “denied by operation of law” on December 24.

¶27 In this respect, Pead urges that *Monarrez v. Utah Department of Transportation*, 2016 UT 10, 368 P.3d 846, in particular ought to be read as supporting the conclusion that the sixty-day period ended on Sunday, December 24, and he, like the district court, \*182 cites *Craig v. Provo City*, 2016 UT 40, 389 P.3d 423, and *Schleger v. State*, 2018 UT App 84, 427 P.3d 300, for additional support. But these cases did not render any holding with respect to *how* the sixty-day period should be computed; that question was not at issue in any of them and therefore was not decided. Indeed, none of these cases even name or note the specific day of the week on which the last of the sixty-day period apparently fell, fairly suggesting that the specific day of the week was neither sufficiently cognizable to the courts in those cases nor

imperative to their resolution. As a result, the cases relied on by Pead (and the district court) shed no light on how the sixty-day notice of claim period ought to be computed.<sup>4</sup>

¶28 Second, we are not persuaded by Pead’s argument that Utah Code section 68-3-7 cannot be applied to section 63G-7-403 to compute the notice of claim period. Pead points out that section 68-3-7 “only extends the time for the performance of an act.” And he claims that section 68-3-7 does not apply to subsection (1)(b) of section 63G-7-403 because a notice of claim is deemed denied under that provision due to inaction by the governmental entity. In other words, because the government need not act for a notice of claim to be deemed denied under subsection (1)(b), the computation rules in section 68-3-7 do not apply. We disagree.

¶29 Pead is correct that, at the time, section 63G-7-403 of the GIA provided two alternative avenues for the notice of claim to be denied—either a written denial under subsection (1)(a) or a deemed denial under subsection (1)(b). See *Monarrez*, 2016 UT 10, ¶¶ 10–18, 26, 368 P.3d 846 (explaining that subsections (1)(a) and (1)(b) provide “mutually exclusive” methods of denial, in that “a denial—whether by operation of law or by written notice—can occur only *once* within [the] sixty-day timeframe”). But as explained in *Monarrez*, “a claim cannot be denied in both ways,” with the result that “the time to file a lawsuit can be triggered only once.” *Id.* ¶ 18. Stated another way, regardless of which avenue a governmental entity takes, there is only one applicable time period for both—sixty days. See *id.* ¶ 26 (“We hold today that the [GIA] permits a denial to happen in only one of two mutually exclusive ways: either the government responds in writing within sixty days, or the claim is denied by operation of law *at the end of those sixty days*.” (emphasis added)).

¶30 And reading the companion provisions together, it is clear that subsection (1)(b) references the sixty-day time period first identified in subsection (1)(a)—a time period to which section 68-3-7 applies. Subsection (1)(a) states that within sixty days of filing a notice of claim, the governmental entity shall respond to the notice of claim. And subsection (1)(b) continues that if the governmental entity does not respond within “the 60-day period,” the claim will be deemed denied. Utah Code Ann. § 63G-7-403(1)(a)–(b) (emphasis added). Thus, there is no discernable basis to differentiate subsections (1)(a) and (1)(b) or to conclude that the time computation rules set forth in section 68-3-7 do not apply to “the 60-day period” referred to in subsection (1)(b).

¶31 Finally, Pead contends that [section 68-3-7](#) cannot be applied to [section 63G-7-403](#)'s notice of claim provisions, citing [Craig v. Provo City](#), 2016 UT 40, 389 P.3d 423, for the proposition that the GIA is “all-encompassing” on the timing requirements for filing a notice of claim and therefore may not be **\*183** supplemented by [section 68-3-7](#). Although the court in [Craig](#) concluded that [sections 63G-7-402](#) and [63G-7-403](#) spoke comprehensively and exclusively to the “means and timing of filing claims against the government,” 2016 UT 40, ¶ 26, 389 P.3d 423, it did not address or reject the application of common law or statutory rules of construction to the interpretation of those requirements, *see id.* ¶¶ 21–26. Rather, [Craig](#) addressed and resolved the question of whether, as a substantive matter, the GIA foreclosed the applicability of a general savings statute. *Id.* ¶¶ 19–26. And where the GIA establishes specific time periods associated with a notice of claim but does not address how those time periods should be computed, *see supra* ¶ 23, we do not read [Craig](#) as foreclosing the application of the legislature's general rules of computation to the GIA.

¶32 For these reasons, we conclude that the method described in [section 68-3-7](#) for computing time applies to [section 63G-7-403](#) to compute the sixty-day time period applicable to the approval, denial, or deemed denial of a notice of claim. *See generally* [Utah Code Ann. § 63G-7-403\(1\)](#). And applying that method here, the sixty-day time period ended, and Pead's notice of claim was deemed denied, on December 26. *See id.* § 68-3-7 (2016). Sixty days from October 25 was Sunday, December 24. Then, according to [section 68-3-7](#), December 24 and December 25 each were excluded for purposes of computing the last day, with the result that the time period was extended to Tuesday, December 26, the “next day that [was] not a legal holiday, a Saturday, or a Sunday.” *See id.* § 68-3-7(2).<sup>5</sup> On this basis, we conclude that the earliest Pead could have filed his complaint was December 27 and that his complaint filed on December 26 was therefore prematurely filed. *See Hall*, 2001 UT 34, ¶ 22, 24 P.3d 958 (“Only after the [governmental entity] has had the opportunity to consider the claim for [the requisite time period] is suit against the government allowed.”); *accord McGraw v. University of Utah*, 2019 UT App 144, ¶ 25, 449 P.3d 943; [Thorpe v. Washington City](#), 2010 UT App 297, ¶¶ 20–21, 243 P.3d 500; *see also Hall*, 2001 UT 34, ¶ 26, 24 P.3d 958 (concluding that dismissal of suit was proper where the claimant filed the notice of claim contemporaneously with the civil action, resulting in a failure to strictly comply with the requirements of the GIA, including that plaintiffs may institute a civil action “only after their claim is denied” (cleaned up)); [Yearsley v.](#)

[Jensen](#), 798 P.2d 1127, 1128–29 (Utah 1990) (dismissing a claim under the GIA where the notice of claim was filed one day late); [Schleger](#), 2018 UT App 84, ¶¶ 7–15, 427 P.3d 300 (affirming that the appellants' suit was barred by the GIA's statute of limitations where, despite the short time frame in which to make the required filings, their filings were untimely).

¶33 Accordingly, the district court erred when it denied the City's motion to dismiss on the basis that Pead had complied with the notice of claim requirements under the GIA.

## II. Timeliness Under the WBA

¶34 As explained above, an employee is not permitted to file an action in district court until the notice of claim has been denied. *See Hall v. Utah State Dep't of Corr.*, 2001 UT 34, ¶¶ 21–26, 24 P.3d 958. Further, the GIA and the WBA are construed together to require an employee to “file a notice of claim *and* a civil action—i.e., a district court complaint—within 180 days” of the adverse employment action. [Thorpe v. Washington City](#), 2010 UT App 297, ¶¶ 18–21, 243 P.3d 500 (cleaned up).

¶35 We concluded above that the notice of claim period applicable to Pead's claim ended on Tuesday, December 26. As a result, the earliest Pead could have filed his complaint in district court would have been December 27. But the 180-day limitations period also expired at the latest on December 26. As a result, Pead did not timely file his complaint in compliance with both the GIA and the WBA.

**\*184** ¶36 In so concluding, we are sensitive to the unusual consequences in this case: Pead filed his complaint too soon under the GIA, but he also could not have then timely filed his complaint on December 27, as that would have been too late under the WBA. But as this court explained in [Thorpe](#), the 180-day limitations period applies when an employee seeks to pursue a whistleblower claim against a governmental entity, which necessarily “requires a WBA claimant to file a GIA notice early enough in the 180-day period to allow the governmental entity 60 days to evaluate the claim so that, at the elapse of that time, the claimant can file a civil action before the 180 days have passed.” *Id.* ¶ 20. Pead, however, waited too long to file his notice of claim. And the consequence of this failure is his inability to pursue his WBA claim in district court. *See Hall*, 2001 UT 34, ¶ 26, 24 P.3d 958; [Yearsley v. Jensen](#), 798 P.2d 1127, 1128 (Utah

1990); *Schleger v. State*, 2018 UT App 84, ¶¶ 7–15, 427 P.3d 300; see also *Wheeler v. McPherson*, 2002 UT 16, ¶ 11, 40 P.3d 632 (“We have consistently and uniformly held that suit may not be brought against the state or its subdivisions unless the requirements of the [GIA] are strictly followed.” (cleaned up)). On this basis, we reverse the district court's denial of the City's motion to dismiss, and remand for the entry of judgment in the City's favor.<sup>6</sup>

¶37 We conclude that the district court erred when it failed to exclude December 24 and 25 in its computation of the sixty-day notice of claim period under the GIA. The sixty-day period expired on December 26, and in filing his complaint in federal court on that day, Pead filed his complaint prematurely. Accordingly, the district court erred by denying the City's motion to dismiss, and we remand with instructions to enter judgment in the City's favor.

#### All Citations

473 P.3d 175, 2020 UT App 113

#### CONCLUSION

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#### Footnotes

- 1 In reviewing the district court's grant of a motion to dismiss, we accept the factual allegations in the complaint as true and recite the facts accordingly. *Russell v. Standard Corp.*, 898 P.2d 263, 264 (Utah 1995).
- 2 All events relevant to the issue of whether the district court erred by concluding that Pead's complaint was not time-barred occurred in 2017. For ease of reference, we refrain from including the year when identifying the dates involved.
- 3 Unless otherwise indicated, we cite the statutes in effect in 2017 at the time of the relevant events.
- 4 Pead makes much of footnote 3 in *Monarrez v. Utah Department of Transportation*, 2016 UT 10, 368 P.3d 846, as support for the idea that Pead's notice of claim was deemed denied on Sunday, December 24. That footnote was attached to a statement in the case's background section stating that Monarrez's claim “was considered to be denied no later than October 24, 2011,” and it states: “The parties treated October 24, 2011, as the cut-off date below, though it appears the actual date was October 23. Regardless of which of those two days applies, the outcome is the same in this case.” *Id.* ¶ 3 & n.3 (cleaned up).  
  
We do not view footnote 3 in *Monarrez* as rendering any helpful statement about how the notice of claim period ought to be computed. As explained, the court stated that its observation was immaterial to its decision, and it evinced no awareness of which days of the week applied to the dates it identified. Further, it is unclear what method the court used to compute its alternative cut-off date. The sixtieth day after the filing of the notice of claim was October 22, not October 23. Thus, this particular computation provides no direction.
- 5 Because we have concluded that reversal is appropriate on this issue on the basis of [Utah Code section 68-3-7](#), we do not reach the City's additional arguments under [rule 6 of the Utah Rules of Civil Procedure](#).
- 6 During oral argument, Pead conceded that if we concluded that the notice of claim period extended to December 26, the appropriate remedy would be reversal with instructions to enter judgment in the City's favor.

# EXHIBIT 4

## **Chapter 4**

### **Open and Public Meetings Act**

#### **Part 1**

#### **General Provisions**

##### **52-4-101 Title.**

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

##### **52-4-102 Declaration of public policy.**

- (1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
  - (a) take their actions openly; and
  - (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

##### **52-4-103 Definitions.**

As used in this chapter:

- (1) "Anchor location" means:
  - (a) the physical location where the public body conducting an electronic meeting under Section 52-4-207 normally conducts meetings of the public body; or
  - (b) a location other than the location described in Subsection (1)(a) that is reasonably as accessible to the public as the location described in Subsection (1)(a).
- (2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
- (3) "Electronic meeting" means a meeting that some or all public body members attend through an electronic video, audio, or both video and audio connection, as provided in Section 52-4-207.
- (4) "Fiduciary or commercial information" means information:
  - (a) related to any subject if disclosure:
    - (i) would conflict with a fiduciary obligation; or
    - (ii) is prohibited by insider trading provisions; or
  - (b) that is commercial in nature including:
    - (i) account owners or borrowers;
    - (ii) demographic data;
    - (iii) contracts and related payments;
    - (iv) negotiations;
    - (v) proposals or bids;
    - (vi) investments;
    - (vii) management of funds;
    - (viii) fees and charges;
    - (ix) plan and program design;
    - (x) investment options and underlying investments offered to account owners;
    - (xi) marketing and outreach efforts;



- (xii) financial plans; or
  - (xiii) reviews and audits.
- (5) "Meeting" means a gathering:
- (a) of a public body or specified body;
  - (b) with a quorum present; and
  - (c) that is convened:
    - (i) by an individual:
      - (A) with authority to convene the public body or specified body; and
      - (B) following the process provided by law for convening the public body or specified body; and
    - (ii) for the express purpose of acting as a public body or specified body to:
      - (A) receive public comment about a relevant matter;
      - (B) deliberate about a relevant matter; or
      - (C) take action upon a relevant matter.
- (6) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
- (7)
- (a) "Public body" means:
    - (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
      - (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
      - (B) consists of two or more individuals;
      - (C) expends, disburses, or is supported in whole or in part by tax revenue; and
      - (D) is vested with the authority to make decisions regarding the public's business; or
    - (ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:
      - (A) consists of two or more individuals;
      - (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and
      - (C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
  - (b) "Public body" includes:
    - (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103, except for the Water District Water Development Council created pursuant to Section 11-13-228;
    - (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;
    - (iii) the Utah Independent Redistricting Commission; and
    - (iv) a project entity, as that term is defined in Section 11-13-103.
  - (c) "Public body" does not include:
    - (i) a political party, a political group, or a political caucus;
    - (ii) a conference committee, a rules committee, a sifting committee, or an administrative staff committee of the Legislature;
    - (iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
    - (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed interlocal entity is not a project entity;



- (v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
  - (A) the Research and General Counsel Subcommittee;
  - (B) the Budget Subcommittee; and
  - (C) the Audit Subcommittee; or
- (vi) a search committee that selects finalists for a position as an institution of higher education president under Section 53H-3-302.
- (8) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
- (9) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
- (10) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
- (11)
  - (a) "Relevant matter" means a matter that is within the scope of the authority of a public body or specified body.
  - (b) "Relevant matter" does not include, for a public body with both executive and legislative responsibilities, a managerial or operational matter.
- (12) "Specified body":
  - (a) means an administrative, advisory, executive, or legislative body that:
    - (i) is not a public body;
    - (ii) consists of three or more members; and
    - (iii) includes at least one member who is:
      - (A) a legislator; and
      - (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
  - (b) does not include a body listed in Subsection (7)(c)(ii) or (7)(c)(v).

Amended by Chapter 9, 2025 Special Session 1

#### **52-4-104 Training.**

- (1) The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.
- (2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

## **Part 2 Meetings**

#### **52-4-201 Meetings open to the public -- Exceptions.**

- (1) A meeting is open to the public unless:
  - (a) closed under Sections 52-4-204, 52-4-205, and 52-4-206; or

- (b) the meeting is solely for the School Activity Eligibility Commission, described in Section 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's eligibility to participate in an interscholastic activity, as that term is defined in Section 53G-6-1001, including the commission's determinative vote on the student's eligibility.
- (2)
  - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.
  - (b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
    - (i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;
    - (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;
    - (iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or
    - (iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Amended by Chapter 524, 2024 General Session

**52-4-201.3 Local school boards -- Public comment.**

- (1) As used in this section, "local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (2)
  - (a) A local school board holding a meeting that is open to the public under Section 52-4-201 shall allow a reasonable opportunity for the public to provide verbal comments that are germane to the authority of the local school board.
  - (b) Subsection (2)(a) does not apply to a meeting that is:
    - (i) a work session; or
    - (ii) an emergency meeting as described in Subsection 52-4-202(5).
- (3) No later than July 1, 2023, a local school board shall adopt a written policy that provides a reasonable opportunity for the public to provide both verbal and written comments in a meeting of the local school board that:
  - (a) is open to the public; and
  - (b) is not a meeting described in Subsection (2)(b).
- (4) The written policy described in Subsection (3) may limit public verbal and written comments to topics that are germane to the authority of the local school board.
- (5) Public comment that complies with valid time, place, manner, and germaneness restrictions in accordance with Subsections (3) and (4) does not satisfy the element of criminal trespass described in Sections 63G-8-603 and 76-6-206 regarding an intent to cause annoyance.

Amended by Chapter 485, 2025 General Session

**52-4-202 Public notice of meetings -- Emergency meetings.**

- (1)

- (a)
  - (i) A public body shall give not less than 24 hours' public notice of each meeting.
  - (ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.
- (b) The public notice required under Subsection (1)(a) shall include the meeting:
  - (i) agenda;
  - (ii) date;
  - (iii) time; and
  - (iv) place.
- (2)
  - (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.
  - (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.
- (3)
  - (a) Subject to Subsection (3)(c), a public body or specified body satisfies a requirement for public notice by publishing the notice for the public body's jurisdiction, as a class A notice under Section 63G-30-102, for at least 24 hours.
  - (b) A public body whose limited resources make compliance with the requirement to post notice on the Utah Public Notice Website difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.
  - (c) A public body or specified body that is required, under this chapter and Section 63G-30-102, to post notice in a public location within the affected area may comply with the requirement by posting the notice in, on, or near:
    - (i) the anchor location for the meeting; or
    - (ii) the structure or other area where the meeting will be held.
- (4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).
- (5)
  - (a) The notice requirement of Subsection (1) may be disregarded if:
    - (i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
    - (ii) the public body or specified body gives the best notice practicable of:
      - (A) the time and place of the emergency meeting; and
      - (B) the topics to be considered at the emergency meeting.
  - (b) An emergency meeting of a public body may not be held unless:
    - (i) an attempt has been made to notify all the members of the public body; and
    - (ii) a majority of the members of the public body approve the meeting.
- (6)
  - (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.
  - (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.

- (c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:
  - (i) listed under an agenda item as required by Subsection (6)(a); and
  - (ii) included with the advance public notice required by this section.
- (7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 100, 2023 General Session

Amended by Chapter 435, 2023 General Session

**52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.**

- (1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.
- (2)
  - (a) Written minutes of an open meeting shall include:
    - (i) the date, time, and place of the meeting;
    - (ii) the names of members present and absent;
    - (iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
    - (iv) a record, by individual member, of each vote taken by the public body;
    - (v) the name of each person who:
      - (A) is not a member of the public body; and
      - (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
    - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and
    - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
  - (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.
  - (c) A public body that has members who were elected to the public body shall satisfy the requirement described in Subsection (2)(a)(iv) by recording each vote:
    - (i) in list format;
    - (ii) by category for each action taken by a member, including yes votes, no votes, and absent members; and
    - (iii) by each member's name.
- (3) A recording of an open meeting shall:
  - (a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
  - (b) be properly labeled or identified with the date, time, and place of the meeting.
- (4)
  - (a) As used in this Subsection (4):
    - (i) "Approved minutes" means written minutes:
      - (A) of an open meeting; and
      - (B) that have been approved by the public body that held the open meeting.
    - (ii) "Electronic information" means information presented or provided in an electronic format.

- (iii) "Pending minutes" means written minutes:
  - (A) of an open meeting; and
  - (B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.
- (iv) "Specified local public body" means a legislative body of a county, city, or town.
- (v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.
- (vi) "State website" means the Utah Public Notice Website created under Section 63A-16-601.
- (b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.
- (d) A public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
- (e) A state public body shall:
  - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting:
    - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
    - (B) make the approved minutes and public materials available to the public at the public body's primary office; and
    - (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
  - (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
  - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
  - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:
  - (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting:
    - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or
    - (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted; and
  - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

- (h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.
- (i) Approved minutes of an open meeting are the official record of the meeting.
- (5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
- (6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
  - (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or
  - (b) an open meeting of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 438, 2024 General Session

**52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.**

(1) A closed meeting may be held if:

- (a)
  - (i) a quorum is present;
  - (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and
- (iii)
  - (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;
  - (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
  - (C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;
  - (D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;
  - (E) for a project entity that is conducting an open meeting for the purposes of determining the value of an asset, developing a strategy related to the sale or use of that asset;
  - (F) for a project entity that is conducting an open meeting for purposes of discussing a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or

- (G) for a project entity that is conducting an open meeting for purposes of discussing a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential competitor of, the project entity; or
- (b)
  - (i) for the Independent Legislative Ethics Commission, the closed meeting is held for the purpose of conducting business relating to the receipt or review of an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
  - (ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is held for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
  - (iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is held for the purpose of conducting business relating to an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."
- (2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
- (3)
  - (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
  - (b)
    - (i) A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting and return to an open meeting.
    - (ii) A motion to end the closed portion of a meeting may be approved by a majority of the public body members present at the meeting.
- (4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
  - (a) the reason or reasons for holding the closed meeting;
  - (b) the location where the closed meeting will be held; and
  - (c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.
- (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 381, 2024 General Session

Amended by Chapter 392, 2024 General Session

**52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.**

- (1) A closed meeting described under Section 52-4-204 may only be held for:
  - (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
  - (b) strategy sessions to discuss collective bargaining;
  - (c) strategy sessions to discuss pending or reasonably imminent litigation;



- (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would:
  - (i) disclose the appraisal or estimated value of the property under consideration; or
  - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
  - (i) public discussion of the transaction would:
    - (A) disclose the appraisal or estimated value of the property under consideration; or
    - (B) prevent the public body from completing the transaction on the best possible terms;
  - (ii) the public body previously gave public notice that the property would be offered for sale; and
  - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct;
- (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
- (i) as relates to an ethics committee of the Legislature, a purpose permitted under Section 52-4-204;
- (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
- (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
- (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of directors, discussing fiduciary or commercial information;
- (m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
  - (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
  - (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
  - (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
- (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
  - (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
  - (ii) the public body needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process;
- (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:
  - (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and

- (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business;
  - (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to review confidential information regarding violations and security requirements in relation to the operation of cannabis production establishments;
  - (r) considering a loan application, if public discussion of the loan application would disclose:
    - (i) nonpublic personal financial information; or
    - (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business financial information the disclosure of which would reasonably be expected to result in unfair competitive injury to the person submitting the information;
  - (s) a discussion of the board of the Point of the Mountain State Land Authority, created in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as defined in Section 11-59-102; or
  - (t) a purpose for which a meeting is required to be closed under Subsection (2).
- (2) The following meetings shall be closed:
- (a) a meeting of the Health and Human Services Interim Committee to review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2);
  - (b) a meeting of the Child Welfare Legislative Oversight Panel to:
    - (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2); or
    - (ii) review and discuss an individual case, as described in Section 36-33-103;
  - (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law;
  - (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the purpose of reviewing petitions for a medical cannabis card in accordance with Section 26B-1-421;
  - (e) a meeting of the Colorado River Authority of Utah if:
    - (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado River system; and
    - (ii) failing to close the meeting would:
      - (A) reveal the contents of a record classified as protected under Subsection 63G-2-305(81);
      - (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
      - (C) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
      - (D) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
  - (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
    - (i) the purpose of the meeting is to discuss an application for participation in the regulatory sandbox as defined in Section 63N-16-102; and
    - (ii) failing to close the meeting would reveal the contents of a record classified as protected under Subsection 63G-2-305(82);
  - (g) a meeting of a project entity if:
    - (i) the purpose of the meeting is to conduct a strategy session to discuss market conditions relevant to a business decision regarding the value of a project entity asset if the terms of

the business decision are publicly disclosed before the decision is finalized and a public discussion would:

- (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
- (B) prevent the project entity from completing on the best possible terms a contemplated transaction concerning the project entity asset;
- (ii) the purpose of the meeting is to discuss a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity;
- (iii) the purpose of the meeting is to discuss a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
- (iv) failing to close the meeting would prevent the project entity from getting the best price on the market; and
- (h) a meeting of the Rules Review and General Oversight Committee to review and discuss:
  - (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
  - (ii) information that is subject to a confidentiality agreement as described in Subsection 36-35-102(3)(c).
- (3) In a closed meeting, a public body may not:
  - (a) interview a person applying to fill an elected position;
  - (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
  - (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 391, 2025 General Session

#### **52-4-206 Record of closed meetings.**

- (1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
  - (a) shall make a recording of the closed portion of the meeting; and
  - (b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
- (2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
- (3) The recording and any minutes of a closed meeting shall include:
  - (a) the date, time, and place of the meeting;
  - (b) the names of members present and absent; and
  - (c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
- (4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records:
  - (a) may be disclosed under a court order only as provided under Section 52-4-304; and

- (b) shall be disclosed, upon request, to the Office of the Legislative Auditor General under Section 36-12-15.
- (6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):
  - (a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and
  - (b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 21, 2023 General Session

**52-4-207 Electronic meetings -- Authorization -- Requirements.**

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may conduct a meeting that some or all members of the public body attend through an electronic video, audio, or both video and audio connection, in accordance with this section.
- (2)
  - (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
  - (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an electronic meeting shall establish the conditions under which a remote member is included in calculating a quorum.
  - (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:
    - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
    - (ii) require a quorum of the public body to:
      - (A) be present at a single anchor location for the meeting; and
      - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic video, audio, or both video and audio connection;
    - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
    - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability;
    - (v) if the public body is statutorily authorized to allow a member of the public body to act by proxy, establish the conditions under which a member may vote or take other action by proxy;
    - (vi) provide a procedure for recording votes of members, including defining circumstances under which a roll call vote is required; or
    - (vii) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that conducts an electronic meeting shall:
  - (a) give public notice of the electronic meeting in accordance with Section 52-4-202; and
  - (b) except as otherwise provided in a rule of the Legislature applicable to the public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each member of the public body a description of how to connect to the meeting.
- (4)

- (a) Except as provided in Subsection (5), a public body that conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.
- (b) A public body that conducts an electronic meeting may provide means by which members of the public may participate remotely by electronic means.
- (5) Subsection (4)(a) does not apply to an electronic meeting if:
  - (a)
    - (i) the chair of the public body determines that:
      - (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or
      - (B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and
    - (ii) the public notice for the meeting includes:
      - (A) a statement describing the chair's determination under Subsection (5)(a)(i);
      - (B) a summary of the facts upon which the chair's determination is based; and
      - (C) information on how a member of the public may participate in the meeting remotely by electronic means;
  - (b)
    - (i) during the course of the electronic meeting, the chair:
      - (A) determines that continuing to conduct the electronic meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present at the anchor location; and
      - (B) announces during the electronic meeting the chair's determination under Subsection (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and
    - (ii) in conducting the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may participate in the electronic meeting remotely by electronic means;
  - (c)
    - (i) the public body is a special district board of trustees established under Title 17B, Chapter 1, Part 3, Board of Trustees;
    - (ii) the board of trustees' membership consists of:
      - (A) at least two members who are elected or appointed to the board as owners of land, or as an agent or officer of the owners of land, under the criteria described in Subsection 17B-1-302(2)(b); or
      - (B) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17B-1-302(3)(b)(ii);
    - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and
    - (iv) the board of trustees allows members of the public to participate in the meeting remotely by electronic means;
  - (d)
    - (i) the public body is a special service district administrative control board established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
    - (ii) the administrative control board's membership consists of:

- (A) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
  - (B) members that qualify for election or appointment to the board because the owners of real property in the special service district meet or exceed the threshold percentage described in Subsection 17D-1-304(1)(b)(i);
  - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and
  - (iv) the administrative control board allows members of the public to participate in the meeting remotely by electronic means; or
  - (e) all public body members attend the meeting remotely through an electronic video, audio, or both video and audio connection, unless the public body receives a written request, at least 12 hours before the scheduled meeting time, to provide for an anchor location for members of the public to attend in person the open portions of the meeting.
- (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the chair of the public body makes the determination.
- (7) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.
- (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to vote or otherwise act by proxy.

Amended by Chapter 381, 2024 General Session

Amended by Chapter 388, 2024 General Session

Amended by Chapter 392, 2024 General Session

**52-4-208 Predetermining public body action prohibited -- Exception.**

- (1) Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter.
- (2) Subsection (1) does not apply to an individual acting as a member of a body that is not a public body under Subsection 52-4-103(7)(c).

Repealed and Re-enacted by Chapter 392, 2024 General Session

**52-4-209 Electronic meetings for charter school board.**

- (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:
  - (a) "Anchor location" means a physical location where:
    - (i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and
    - (ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.
  - (b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.
  - (c) "Meeting" means the convening of a charter school board:

- (i) with a quorum who:
      - (A) monitors a website at least once during the electronic meeting; and
      - (B) casts a vote on a website, if a vote is taken; and
    - (ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.
  - (d) "Monitor" means to:
    - (i) read all the content added to a website by the public or a charter school board member; and
    - (ii) view a vote cast by a charter school board member on a website.
  - (e) "Participate" means to add content to a website.
- (2)
- (a) A charter school board may conduct an electronic meeting in accordance with Section 52-4-207.
  - (b) A charter school board may conduct an electronic meeting in accordance with this section that is in writing on a website if:
    - (i) the chair verifies that a quorum monitors the website;
    - (ii) the content of the website is available to the public;
    - (iii) the chair controls the times in which a charter school board member or the public participates; and
    - (iv) the chair requires a person to identify himself or herself if the person:
      - (A) participates; or
      - (B) casts a vote as a charter school board member.
- (3) A charter school that conducts an electronic meeting under this section shall:
- (a) give public notice of the electronic meeting:
    - (i) in accordance with Section 52-4-202; and
    - (ii) by posting written notice at the anchor location as required under Section 52-4-207;
  - (b) in addition to giving public notice required by Subsection (3)(a), provide:
    - (i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
    - (ii) a description of how the members and the public may be connected to the electronic meeting;
    - (iii) a start and end time for the meeting, which shall be no longer than 5 days; and
    - (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
  - (c) provide an anchor location.
- (4) The chair shall:
- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
  - (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
- (7)
- (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.

- (b)
    - (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
    - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
  - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8)
- (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
    - (i) is secure; and
    - (ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
  - (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 392, 2024 General Session

#### **52-4-210 Electronic message transmissions.**

Nothing in this chapter may be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in a meeting.

Amended by Chapter 392, 2024 General Session

### **Part 3 Enforcement**

#### **52-4-301 Disruption of meetings.**

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter 14, 2006 General Session

#### **52-4-302 Suit to void final action -- Limitation -- Exceptions.**

- (1)
- (a) Any final action taken in violation of Section 52-4-201, 52-4-202, 52-4-207, 52-4-208, or 52-4-209 is voidable by a court of competent jurisdiction.
  - (b) A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a) if:
    - (i) the posting is made for a meeting that is held before April 1, 2009; or
    - (ii) (A) the public body otherwise complies with the provisions of Section 52-4-202; and



(B) the failure was a result of unforeseen Internet hosting or communication technology failure.

- (2) Except as provided under Subsection (3), a suit to void final action shall be commenced within 90 days after the date of the action.
- (3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of indebtedness shall be commenced within 30 days after the date of the action.
- (4) In a suit under this section to void a final action in violation of Section 52-4-208, a court may award a prevailing plaintiff a reasonable attorney fee and costs.

Amended by Chapter 392, 2024 General Session

**52-4-303 Enforcement of chapter -- Suit to compel compliance.**

- (1) The attorney general and county attorneys of the state shall enforce this chapter.
- (2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.
- (3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:
  - (a) compel compliance with or enjoin violations of this chapter; or
  - (b) determine the chapter's applicability to discussions or decisions of a public body.
- (4) The court may award reasonable attorney fees and court costs to a successful plaintiff.

Renumbered and Amended by Chapter 14, 2006 General Session

Amended by Chapter 263, 2006 General Session

**52-4-304 Action challenging closed meeting.**

- (1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:
  - (a) review the recording or written minutes of the closed meeting in camera; and
  - (b) decide the legality of the closed meeting.
- (2)
  - (a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.
  - (b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.
- (3) Nothing in this section may be construed to affect the ability of a public body to reclassify a record, as defined in Section 63G-2-103, as provided in Section 63G-2-307.

Amended by Chapter 425, 2018 General Session

**52-4-305 Criminal penalty for closed meeting violation.**

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.

Enacted by Chapter 263, 2006 General Session

**EXHIBIT**

**6**

# Server Error in '/' Application.

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*The resource cannot be found.*

**Description:** HTTP 404. The resource you are looking for (or one of its dependencies) could have been removed, had its name changed, or is temporarily unavailable. Please review the following URL and make sure that it is spelled correctly.

**Requested URL:** /departments/city-clerk/boards-commissions

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**Version Information:** Microsoft .NET Framework Version:4.0.30319; ASP.NET Version:4.7.4136.0

# EXHIBIT 5



TINA M. CANNON  
UTAH STATE AUDITOR

[Home](#) » [Hotline](#) » **Hotline FAQs**

# State Auditor Hotline FAQ's



## What Types of Complaints Does the State Auditor Consider for Investigation?

The State Auditor is the auditor of public accounts and is independent of any executive or administrative officers of the state. The office has constitutional and statutory authority to review a variety of financial and compliance-related matters in state and local governments and any entity that receives public funds. In addition, state statute designates us as a receiver of “whistleblower” complaints. Finally, the state legislature has mandated that our office receive certain compliance related complaints. The various categories are outlined below:

### Alleged Improper Government Activities

*Utah Code §67-3-1* authorizes the state auditor to conduct various special purpose audits, examinations, and reviews of any entity that receives public funds. The office will consider complaints that involve:

- The honesty and integrity of fiscal affairs
- Accuracy and reliability of financial statements and systems
- Adequacy of financial controls and compliance with the law
- Compliance with legislative intent (generally financial related)
- Certain aspects of programmatic or operational effectiveness

The resources of the Office are limited and require us to screen and prioritize complaints based on factors such as significance, financial impact, and substantiality of evidence. Therefore, we may refer some complaints to other entities and may decline to investigate certain complaints or aspects of a complaint based on established screening criteria, State Auditor discretion, and/or prioritization. Complaints that are supported by verifiable evidence may be deemed a higher priority for acceptance and investigation.

### Reporting of Governmental Waste or Violations of Law (Whistleblower Statute)

*Utah Code §67-21-3* identifies the State Auditor as one of many officials to whom public employees may report their concerns about:

- Waste or misuse of public funds, property, or manpower
- Violations of a law, rule, or regulation applicable to the government
- Gross mismanagement
- Abuse of authority
- Unethical conduct

These types of complaints can be reported using the “Improper Government Activity” form. If the complainant is an employee who wishes to invoke protections, they should click the box of the form indicating:

As an employee of the subject entity, I request WHISTLEBLOWER STATUS under Utah Code §67-21. I have read and understand the provisions of this statute and understand that the State Auditor cannot prevent adverse employment actions

When a complainant indicates they want to invoke “whistleblower protection”, the Office will make a record of the complaint in accordance with the statute. Then consideration will be given as to whether the subject matter is within our purview and expertise as government auditors. If a complaint is not accepted for review by the State Auditor due to lack of jurisdiction, authority, or expertise, the Office will direct the complainant to appropriate resources whenever possible.

## Alleged Improper Privacy Practices

Utah Code §67-3-1(19) and §67-3-13(2)(d) authorize the State Auditor to oversee the State Privacy Auditor. Among other duties, the State Privacy Auditor responds to requests from individuals to audit a governmental entity’s privacy practices and their handling of personal data, including how that data is collected, used, shared, or stored. Individuals with concerns about a governmental entity’s handling of data may report their concerns on the [Improper Government Activity](#) form.

## Legislatively Mandated Compliance Complaints

The state legislature has mandated that the State Auditor receive and investigate alleged violations of the following Utah Code sections:

- [Utah Code §63G, Chapter 31, Distinctions on the Basis of Sex](#)
- [Utah Code §67-27-107 through §67-27-109, Equal Opportunity issues](#)
- [Utah Code §63G-1-704, Display of Flags](#)

### What Types of Complaints Does the Office of the Utah State Auditor Not Investigate?

The State Auditor determines how best to use the resources of the office and may decline to investigate complaints based on established screening criteria or other factors including but not limited to:

- Any matter that is considered outside our purview and expertise.
- Current resources and caseload may prevent us from addressing the complaint in a timely manner.
- The complaint could be better addressed by another entity or other method.
- The subject matter is deemed to be lower priority due to lack of significance , lack of specificity, lack of available evidence, or other factors.
- The complainant has not sufficiently attempted to resolve their concerns directly with the entity when possible. The Office does not act as an intermediary to obtain information for individuals that they can obtain.
- Issues that are currently involved in litigation

In addition, resources exist to address many common concerns. Please review the list below to see if another office would be a more appropriate venue for resolving the concern. This list is not comprehensive, and we may refer complaints to other entities to help expedite resolution of concerns.

| Type of Complaint                                                                                                      | Resource                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Violations of <i>Utah Code</i> §52 – 4, the Open and Public Meetings Act (OPMA)                                        | Submit complaint to Attorney General Online Complaint Form                                                                                                                             |
| State employee personnel grievances                                                                                    | <a href="mailto:hrcommunication@utah.gov">hrcommunication@utah.gov</a>                                                                                                                 |
| Unethical conduct by executive branch, legislative branch, or political subdivision officials                          | The applicable Ethics Commission investigates allegations of certain unethical conduct by public officials. See information at <a href="https://ethics.utah.gov">ethics.utah.gov</a> . |
| Concerns or conflicts regarding collections of child support services involving the Office of Recovery Services (ORS)_ | Call <a href="tel:801-536-8901">801-536-8901</a> or email <a href="mailto:orswebslc@utah.gov">orswebslc@utah.gov</a> attn: constituent affairs                                         |
| Misuse of State fleet vehicles                                                                                         | Online complaint at <a href="https://fleet.utah.gov">fleet.utah.gov</a> – then select “Comment on a Driver”                                                                            |

|                                                                                                                         |                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Concerns and disputes over procurement contract awards                                                                  | Contact the Division of Purchasing at <a href="https://purchasing.utah.gov">purchasing.utah.gov</a> or call <a href="tel:8019577160">(801) 957-7160</a> .                       |
| Disputes over access to government records (GRAMA-related issues)                                                       | Visit <a href="https://archives.utah.gov/transparency-services/government-records-ombudsman/">https://archives.utah.gov/transparency-services/government-records-ombudsman/</a> |
| Concerns regarding Division of Child and Family Services (DCFS) Cases                                                   | Contact the Office of Child Protection Ombudsman at <a href="tel:8015384589">(801) 538-4589</a> or <a href="mailto:dhhscustomerexp@utah.gov">dhhscustomerexp@utah.gov</a>       |
| Misconduct by Utah Law Enforcement Officers                                                                             | Contact Peace Officer Standards and Training at <a href="https://post.utah.gov/contact/">post.utah.gov/contact/</a>                                                             |
| Elections related concerns                                                                                              | Email <a href="mailto:elections@utah.gov">elections@utah.gov</a> or call <a href="tel:8015381041">801-538-1041</a>                                                              |
| Fraud or misuse of assistance programs such as Food stamps (SNAP), Medicaid, Financial assistance, childcare assistance | Contact Department of Workforce Services Fraud Hotline at <a href="tel:8009552210">800-955-2210</a> or email <a href="mailto:wsinv@utah.gov">wsinv@utah.gov</a>                 |
| Fraud regarding unemployment benefits                                                                                   | Call <a href="tel:8015264400">801-526-4400</a>                                                                                                                                  |
| Property Rights Issues                                                                                                  | <a href="mailto:propertyrights@utah.gov">propertyrights@utah.gov</a>                                                                                                            |

How Do I File a Complaint?

—

Complaints must be submitted in writing using the applicable [Hotline Reporting Form](#). Use of this form helps complainants effectively communicate essential information regarding their complaint.

Complainants should list any evidence that supports their complaint in the reporting form. Due to limited resources, the Office is unable to accept complaints that are not specific in nature or that are not well supported by credible evidence. Documentary evidence can be submitted via email at [auditorhotline@utah.gov](mailto:auditorhotline@utah.gov). Please reference the entity and the assigned case number, if available, in the subject line of the email.

If you have questions, please contact the Hotline team:

- Email: [auditorhotline@utah.gov](mailto:auditorhotline@utah.gov)
- US Mail: OSA Hotline, PO Box 142310, SLC, Utah 84114-2310
- Phone: (801) 538-9777

What Information and Data Do I Need to Provide?

—

An important step in establishing the significance of reported concerns is to provide credible information and substantiated data with each complaint. Essential information includes specifics on ‘who, what, where, when’ as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. The [Hotline Reporting Form](#) has specific questions designed to guide complainants through the submission process and ensure necessary details are included. Evidence can be submitted via email at [auditorhotline@utah.gov](mailto:auditorhotline@utah.gov). Please reference the entity and assigned case number, if available, in the subject line of the email.

Providing specific examples and documentation that directly support the reported allegations will increase the likelihood that the Office will be able to pursue the complainant’s concerns. If the complaint is too broad, vague, or unsubstantiated, staff may not be able to perform an effective investigation, and the complaint will likely be declined.

Complainants can obtain evidence from a variety of sources. Below is a list of common resources that have proven helpful. This list is not exhaustive.

1. **Access financial information through Transparent Utah.** The State Auditor collects and publishes government entity financial and other information on <https://transparent.utah.gov/>.
2. **Submit a formal Government Records Access and Management Act (GRAMA) request.** Utah Code 63G-2, Government Records Access and Management Act, gives residents the right to inspect or request a copy of unrestricted public records. Documents that provide evidence for your complaint should be requested through the centralized [Open Records Portal](#) or contact the entity’s records officer.
3. **Research the Entity’s website for written policies and procedures to help determine whether expenditures or other transactions in question are either specifically allowed or prohibited by policy.** The written policies and procedures may



- also provide information regarding the Entity’s procurement process and required purchase approvals.
4. **Review the Entity’s annual financial reports and budgets.** These documents can help you gain an understanding of the Entity’s financial position and operations, as well as compliance with certain legal requirements. Annual financial reports and other required reports can be found at <https://reporting.auditor.utah.gov/searchreports/s/>
  5. **Review public meeting Agendas, minutes, and audio for the entity.**These are available through the Utah Public Meeting Notice Website at <https://www.utah.gov/pmn/>

## What is the Screening and Prioritization Process for Complaints About Improper Government Activities?

We screen and prioritize complaints based on significance, financial impact, internal resources, and other factors. The following represents some of the factors that are considered during the screening and prioritization process.

- **Auditor authority:** Does the complaint involve actions by an entity subject to the Office of the Utah State Auditor’s authority? The entity must be subject to oversight by the State Auditor. The drop-down box on the complaint form allows the complainant to choose the specific entity. If the entity is not on the list, choose “other/unknown.” Examples of entities under our oversight authority include:
  - Utah State agencies, departments, offices, commissions, etc.
  - Local government entities such as counties, cities, towns, metro townships. Note: statute limits our authority at counties to certain subject matters.
  - Special and special service districts.
  - Local Education Agencies such as school districts and charter schools. Note: many complaints regarding these entities should first be submitted to Utah State Board of Education Internal Auditor at <https://schools.utah.gov/internalaudit/index>.
  - Other non-federal public entities such as state and local courts, colleges, universities, and not-for-profit entities that receive public funds.
- **Improper governmental activities:** Does the complaint pertain to improper governmental activities? Disagreements with management decisions or actions taken by elected officials that are deemed to be within their authority or management discretion will not be investigated.
- **Attempts to resolve:** Has the complainant taken appropriate steps to resolve the issue with the entity? If the entity is not responsive, the concern relates to top management, or the complainant desires anonymity, the Hotline may be contacted first.
- **Timing and frequency:** What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or ongoing may receive a higher priority.
- **Referral to other entities:** Should the allegation be investigated by another entity? In some cases, we may refer complaints to internal/external auditors or other entities, as considered appropriate. We will generally discuss these options with the complainant.
- **Investigative feasibility:** Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.

## What is Whistleblower Protection?

*Utah Code* §67-21-3 prohibits public employers from taking adverse action against their employees for reporting government waste or violations of law in good faith, to the appropriate authorities. A public employee who reports a concern in writing to the State Auditor or another entity as designated in the statute, is given the presumption of having acted in good faith according to the statute. This presumption may aid the employee in a civil legal proceeding if adverse action is taken by the employer.

While the State Auditor is a designated receiver for whistleblower complaints, the Office does not have the authority to investigate alleged adverse action by the complainant’s employer and cannot advocate on the employee’s behalf. Should a public employer take adverse action in violation of the statute against a public employee, the burden of contesting that action remains with the employee. Complainants should consider consulting private legal counsel.

## Will My Identity Be Protected?

Complainant identity is considered protected information under the Utah Government Records Access and Management Act (GRAMA) and, if requested by the complainant, will be kept confidential unless otherwise required by law or court order. (See *Utah Code* §67-3-1(17))

Complaints may be submitted anonymously to the Hotline. However, we prefer that the complainant provide their name and contact information to allow us to ask follow-up questions. Also, please note that anonymous complaints do not invoke Whistleblower protections.

# Hotline

- Hotline
- Submit Hotline Complaint
- Hotline FAQs**
- Contact the Hotline



TINA M. CANNON  
UTAH STATE AUDITOR

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**OFFICE OF THE STATE AUDITOR**

Utah State Capitol, Suite 260  
Utah State Capitol Complex  
Salt Lake City, Utah 84114  
(801) 538-1025

**STATE AUDITOR HOTLINE**

- [Report a Concern](#)
- [Privacy and Protection for Complainants](#)
- [Submit Hotline Complaint](#)

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# EXHIBIT 7

# BOARDS & COMMISSIONS

## Appeal Panel

On May 15, 2025, the City Council adopted [Ordinance No. 2025-08](#) amending land use appeal authorities. The Appeal Panel is now dissolved. Moving forward, appeals of Planning Commission final action will be heard by an administrative hearing officer.

## Board of Adjustment

This is a legislative board that hears and decides appeals from zoning decisions to applying special exceptions to the Land Management Code. The board also makes determinations regarding modifications of non-conforming uses and hears appeals on determination non-conforming or non-complying status. [Click here for more information](#)

## Board of Appeals

The Board of Appeals hears and decides appeals on building and housing code decisions through City Council appointed community members qualified by experience and training in building construction. [Click here for more information.](#)

## Historic Preservation Board

This is a board created pursuant to Utah Code to preserve and encourage compatible infill to protect Park City's mining heritage according to Land Management Code Chapters 15-11 and 15-13. [Click here for more information.](#)

## Library Board

The Library Board of Trustees, representing the citizens of Park City, and working in partnership with the Library Director, evaluates library services and community needs, establishes library policies, and sets goals to be implemented by the director and staff. Board members inform others about library services, needs, and accomplishments to foster a positive public image and build community support. [Click here for more information.](#)

## Nonprofit Services Advisory Committee

The newly formed Nonprofit Services Advisory Committee is comprised of Park City residents, workers, volunteers, property owners, and business owners. Committee members review applications from local nonprofit organizations and make funding recommendations to the City Council. [Click here for more information.](#)

## Planning Commission

The Commission acts as a non-political, long range planning body for Park City. Review of specific projects is limited to matters requiring their consideration. The scope of these reviews is outlined in the Land Management Code and includes: general plan review, annexation review, subdivision approval, subdivision and record of survey plat and plat amendment review, master planned development approval, conditional use permit approval, appeals of staff decisions, termination of inactive applications, and sensitive land review. [Click here for more information.](#)

## Police Complaint Review Committee

All complaints regarding police personnel or policy are first reviewed by an internal investigation. If a complainant is unsatisfied with the result of that investigation, s/he can request a review by the Police Complaint Review Committee, which is comprised of Park City residents. The purpose of the Park City Police Complaint Review Committee is to act in the capacity of an advisory body, which will review proposed complaint dispositions of complaints filed against police personnel and/or police procedure, if formally requested and to provide findings, conclusions, and recommendations to the Chief of Police on those complaints reviewed.

The Committee will provide their findings, conclusions, and recommendations to the Chief of Police, who will make the final determination. [Click here for more information.](#)

## Public Art Advisory Board

The function of the Public Art Advisory Board is to perform an assessment of Park City's cultural art needs, create a public art plan, procure funds for art, establish guidelines for public art, process and review art and ultimately make recommendations to the City Council on art projects, programs, and funding. [Click here for more information.](#)

## Recreation Advisory Board

The function of the Recreation Advisory Board is: to advise the City Council and staff on parks and recreation policy and projects, to support and promote the policies and programs of the Library and Recreation Departments, to advise and support staff on staff recommended budget priorities, to serve as liaison between the community and public agencies on parks, to stimulate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects. [Click here for more information.](#)

## COMPLAINT REVIEW PROCESS

All complaints regarding police personnel or policy are first reviewed by an internal investigation. If a complainant is unsatisfied with the result of that investigation, s/he can request a review by the Police Complaint Review Committee, which is comprised of Park City residents. The purpose of the Park City Police Complaint Review Committee is to act in the capacity of an advisory body, which will review proposed complaint dispositions of complaints filed against police personnel and/or police procedure, if formally requested and to provide findings, conclusions, and recommendations to the Chief of Police on those complaints reviewed.

# EXHIBIT 8

**CITY OF MOAB**  
**ORDINANCE NO. 2023-09**  
**AN ORDINANCE ENACTING MOAB MUNICIPAL CODE 2.94**  
**TO CREATE AND ESTABLISH AN AUDIT COMMITTEE**

**WHEREAS** Utah Code Ann. § 10-3-702 authorizes the Moab City Council to pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by this act or any other provision of law; and

**WHEREAS** Utah Code Ann. § 10-3-707 authorizes the Moab City Council to revise, codify and compile ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein; and

**WHEREAS** Utah Code Ann. § 10-3-708 authorizes the Moab City Council to arrange its ordinances in such order as the governing body may decide; and

**WHEREAS** the City of Moab desires to enhance public accountability for its stewardship of public resources; and

**WHEREAS** the Utah State Auditor's Office, the Government Finance Officers Association, and the Institute of Internal Auditors recommend establishment of an audit committee; and

**WHEREAS** the Moab City Council intends to create and establish an audit committee to provide independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors.

**NOW, THEREFORE, BE IT ORDAINED** by the Moab City Council, Moab, Utah, as follows:

Title 2. Administrative and Personnel Provisions. Chapter 2.94, Moab Audit Committee is hereby enacted:

**2.94.010 Creation and Composition of the Moab Audit Committee.**

- A. There is created the Moab Audit Committee which shall consist of three voting members. One member shall be an elected Council Member of the City of Moab. One member shall be a staff member of the City of Moab. This staff member shall not have any formal relationship, whether as supervisor or direct or indirect report of the Finance Director. One member shall have demonstrated knowledge and experience in audit, finance, risk and controls and shall have no affiliation to the City as an employee or elected official. This member may be compensated at a fair market rate as determined by the City Manager.



- B. The Finance Director shall serve as chair of the Audit Committee. The chair shall conduct the meeting but is not a voting member of the Committee.

**2.94.020. Appointment Process.**

Each committee member shall be appointed by the Mayor and confirmed by action of the City Council.

**2.94.030. Terms of Office.**

The membership term is three years. For the first committee appointments, one member shall be appointed for a one-year term, one for a two-year term, and one for a three-year term. Each appointment after the initial formation of the committee shall serve for a full three-year term.

**2.94.040. Committee Responsibilities and Meeting Schedule.**

- A. The Audit Committee responsibilities include:
- a. Adopt bylaws.
  - b. Meet at least once annually to receive and review the draft annual audit report and accompanying draft management letter.
  - c. Make a recommendation to the City Council on accepting the annual audit report.
  - d. Review any corrective action plan developed by the external auditor, state auditors' office or City Council, and oversee implementation of such plan.
  - e. Provide oversight and serve as primary point of contact for the external auditors on organizational matters.
  - f. Oversee the selection process and make recommendations for a contract award for the transition of external auditors every 5 years, or when the Council or committee deems appropriate.
  - g. Assist in the oversight of the internal audit function, including reviewing the annual internal audit plan to ensure that high risk areas and key control activities are periodically evaluated and tested.
  - h. Participate in the performance evaluation process of the internal audit function.
- B. The Audit Committee may conduct additional meetings as necessary with the consent of the majority of the committee members.

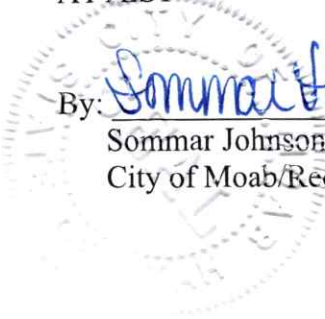
C. This Ordinance shall be effective upon passage.

**APPROVED AND ADOPTED** by the Moab City Council, Moab, Utah, this 23<sup>rd</sup> day of May 2023.

By:   
Joette Langianese, Mayor

ATTEST

By:   
Sommar Johnson  
City of Moab/Recorder



# EXHIBIT 9



# PERSONNEL POLICIES AND PROCEDURES MANUAL

Revised: as of April 2023

**This document supersedes all Personnel Policies and Procedures previously established or approved by the Town of Springdale.**

While it is the policy of the Town of Springdale to establish reasonable rules of employment conduct and to ensure compliance with these rules through a program consistent with the best interests of the Town of Springdale and its employees, **THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT AND SHALL NOT MODIFY ANY EXISTING “AT-WILL” STATUS OF ANY TOWN OF SPRINGDALE EMPLOYEE.**

# INTRODUCTION

---

Welcome:

The purpose of the Town of Springdale Personnel Policies and Procedures Manual is to provide a written guide for all Town employees. This manual not only outlines the policies regarding various phases of the employer-employee relationship, it also indicates how these policies are to be administered. This manual will prove to be a great resource for you during your employment with the Town of Springdale. It will serve as a policy guide for you when personnel questions or concerns arise. Utilizing this manual will help give you a deeper understanding of your role within this organization through well-defined guidelines. As an employee of the Town of Springdale you will be expected to read, understand, and follow the Personnel Policies and Procedures contained in this Manual.

It is the policy of the Town of Springdale to comply with Federal and State Equal Employment Opportunity guidelines, and it is the obligation of each officer, manager, supervisor, and employee of the Town of Springdale to conduct themselves in conformity with the principle of Equal Employment Opportunity at all times. To this end, the Town of Springdale will not engage in any unlawful discrimination against any employee or applicant.

It is the policy of the Town of Springdale to strive for safety in all activities and operations, and to carry out our commitment of compliance with health and safety laws applicable to our business by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

No employee, officer, agent or other representative of the Town of Springdale has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the provisions of this Personnel Policies and Procedures Manual.

The Town of Springdale reserves the right to change any of its policies and/or procedures at any time in the future for any reason. When the Town changes any of its policies and procedures, all employees will be provided with a copy of the change for their records.

This Personnel Policies and Procedures Manual is not, and shall not, be construed as an explicit or implied contract, shall not modify any existing employment “at-will” status of any employee and shall not create any due process requirement in excess of Federal or State constitutional or statutory requirements.

We hope that your employment with the Town proves to be rewarding, challenging and gratifying. Our organization strives for excellence and requires its employees to provide outstanding service to the community. Our combined efforts will ensure that this organizational desire becomes a reality.

---

Mayor Barbara Bruno

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## **CHAPTER ONE – THE WORKPLACE**

### **SECTION A: EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

---

#### **1. GENERAL POLICY**

Every qualified person has an equal opportunity for hire, assignment, and advancement without regard for race, color, religion, sex (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or any other class or expression protected by law. All employees are expected to work in harmony with others and treat each other with courtesy, respect, and professionalism. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

Employees who believe they have been subject to prohibited discrimination should immediately report the incident to their supervisor, department manager, the Town HR Director, or Town Manager. Reports are treated as discreetly and confidentially as possible. No employee is retaliated against for lodging a complaint with management under this policy or participating in an investigation of such a complaint. Any employee who believes he or she is being subjected to retaliation should promptly report this to one of the individuals listed above.

Any employee found to have engaged in discriminatory conduct is subject to immediate disciplinary action, up to and including termination.

#### **Disability & religious accommodation**

In accordance with federal and state law, reasonable accommodations may be made for qualified employees with known disabilities unless doing so causes an undue hardship for the Town of Springdale or causes a direct threat to the health or safety. Accommodations may be made for employees whose religious belief, practice, or observance conflicts with a workplace requirement unless doing so causes an undue hardship for the Town. Reasonable accommodations may also be provided for employees based on gender identity in dress/grooming standards and facilities. Employees may request a reasonable accommodation by contacting their department manager or the Town HR Director.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION A: EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

---

#### **2. SUPERVISOR RESPONSIBILITIES**

The Town Manager and each department manager/supervisor will ensure that the Town of Springdale follows all the personnel policies and procedures within this manual, including all EEO standards. It is the policy of this Town that each employee will receive a copy of this Personnel Policies and Procedures Manual and that the employee will sign and date a Policy Statement and Acknowledgment Form stating receipt of this manual. The Town HR Director will file the signed and dated Policy Statement and Acknowledgment Form in the employee's personnel file.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION A: EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

---

#### **3. EMPLOYEE RESPONSIBILITIES**

Each employee is responsible for reading this Personnel Policy and Procedures Manual completely and fully understanding all policies, practices, and benefits set forth herein. If the employee is unclear of any policy, procedure or benefit described within this manual, it is the employee's responsibility to seek further explanation from their supervisor, the Town HR Director, or the Town Manager.

It is the obligation of all employees of the Town of Springdale to conduct themselves in conformity with the principle of Equal Employment Opportunity always.

## CHAPTER ONE – THE WORKPLACE

### SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT

---

#### 1. GENERAL ETHICS POLICY

It is the policy of the Town of Springdale to abide by the *Utah Municipal Officers and Employees Ethics Act* (Utah Code Ann. 10-3-1301 et. seq, (1977, as amended). The purpose of this Utah State Law is to establish standards of conduct for Town officers and employees and to require a disclosure of actual or potential conflicts of interest between public duties and personal interests. *The Utah Municipal Officers and Employees Ethics Act* applies to all elected and any appointed officials and employees (full and part-time) within a city or town. For the purposes of this manual, we will address only Town of Springdale management and staff. However, be aware that any violation of this act applies to any elected or appointed official of the Town of Springdale or fellow employee and must be reported immediately.

## CHAPTER ONE – THE WORKPLACE

### SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT

---

#### 2. EMPLOYEE CODE OF ETHICS

##### Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Town of Springdale Business.
  - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
  - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
  - c. Fail to disqualify him or herself from acting on any transaction which involves the Town of Springdale and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
  - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the Town of Springdale or any Town agency may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time the Town of Springdale or Town agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
  - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the Town of Springdale; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
  - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any Town of Springdale funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
  - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Town; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or

- representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
- d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the Town of Springdale, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
    - a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
      - i. Unsolicited flowers, plants, and floral arrangements;
      - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
      - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
      - iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
      - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the Town of Springdale;
      - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
      - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
      - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the Town of Springdale;
      - ix. Travel costs, lodging, and tuition costs associated with the Town of Springdale sanctioned training or education when not provided by a private entity under contract with the Town of Springdale;
      - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
      - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
      - xii. Campaign contributions; and
      - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
  4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is



available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of the Town of Springdale. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with the Town of Springdale.

6. Nepotism.

- a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

- a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.

- a. Retain secondary employment outside of the Town of Springdale employment, which, as determined by Town Council, and according to Utah Administrative Code R477-9-2:
  - i. Interferes with an employee's performance.
  - ii. Conflicts with the interests of the Town of Springdale or the State of Utah.
  - iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

- a. Except as otherwise provided by law:
  - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with the Town of Springdale may not provide a basis for denying employment to the applicant.
  - ii. A Town of Springdale officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
  - iii. A Town of Springdale employee may not engage in political campaigning or solicit political contributions during hours of employment.
  - iv. A Town of Springdale officer or employee may not use Town equipment while engaged in campaigning or other political activity.
  - v. A Town of Springdale officer or employee may not directly or indirectly coerce, command, or advise another Town officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
  - vi. A Town of Springdale officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.
- b. A Town of Springdale employee who has filed a declaration of candidacy may:

- i. be given a leave of absence for the period between the primary election and the general election; and
    - ii. Use any vacation or other leave available to engage in campaign activities.
  - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
  - d. Nothing in this chapter shall be construed to:
    - i. prohibit a Town of Springdale officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
    - ii. Permit a Town of Springdale officer or employee partisan political activity that is prohibited under federal law.
  - e. No Town of Springdale officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Town of Springdale property.
  - f. No Town of Springdale officer or employee shall promise any appointment to any position with the Town of Springdale as a reward for any political activity.
  - g. A Town of Springdale employee who is elected to an office with the Town of Springdale shall terminate Town employment prior to being sworn into the elected office.
- 10. Fair and Equal Treatment.
  - a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
  - b. No Town of Springdale officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- 11. Prohibited Conduct After Leaving the Town of Springdale:
  - a. No former employee shall, during the period of one (1) year after leaving the Town of Springdale office or employment:
    - i. Disclose or use any privileged or proprietary information gained by reason of his/her Town of Springdale employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
    - ii. Assist any person in proceedings involving an agency of the Town of Springdale with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
    - iii. Represent any person as an advocate in any matter in which the former employee was officially involved with a Town of Springdale employee;
    - iv. Participate as a competitor in any competitive selection process for a Town of Springdale contract in which he or she assisted the Town in determining the project or work to be done or the process to be used.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT**

---

#### **3. CONSEQUENCES**

Any person who is proven to have knowingly and intentionally violates the above referenced sections of the Ethics Act (except the disclosure requirement) shall be subject to discipline, up to an including termination, and will be referred to the proper law enforcement authorities for criminal prosecution fir the commission of a felony or misdemeanor as prescribed by the Act.

## CHAPTER ONE – THE WORKPLACE

### SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT

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#### 4. DISCLOSURE OF CONFLICT

Two types of disclosures for conflicts of interest are required, *written and oral*. All employees are required to make a disclosure in writing and submit it to the Mayor. The employee must also disclose the information both in writing and orally to their immediate supervisor. In the case of the Town Manager, that conflict shall be given in writing to the Mayor. The written statement must be sworn and give certain minimal information describing the conflict of interest. The second required disclosure is oral and must be made public during the next Town Meeting.

The following must be disclosed:

- A. Agreements to receive compensation for assisting any person or business entity in any transaction involving the Town.
- B. Whether a Town employee is an officer, director, agent, owner, or employee of a substantial interest in any business entity that is subject to the regulation of the Town.
- C. Interests in a business entity doing business with the Town.
- D. Any personal interest or investment by a Town employee that creates a conflict between personal interest and appointed duties.
- E. The nature of the personal conflict of interest, including if applicable, the position held and the nature and value of a business interest held in a regulated business or one which is doing business with the Town.
- F. If the conflict involves an agreement to assist a person for compensation in their business with the Town, the disclosure must contain:
  - 1) The name and address of the Town employee;
  - 2) The name and address of the person or business entity being or to be assisted or in which the Town employee has a substantial interest; and
  - 3) A brief description of the transaction as to which service is rendered or is to be rendered and the nature of the service performed or to be performed.

**The employee should file the statement required upon first hire and whenever the nature of the conflict changes. In the case of compensation, the employee must make the required oral and written statements ten days before the assistance starts or**

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT**

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#### **4. DISCLOSURE OF CONFLICT - continued**

**compensation is received. The oral disclosure must be made public during the next Town Meeting. The disclosure shall be made part of the official meeting minutes. The written statement is public information and must be available for examination by the public. If any transaction is entered into in connection with a violation of the disclosure requirements of the Town, the following will occur:**

- A. An employee who has been proven to have knowingly and intentionally violated the disclosure requirements shall be dismissed.
- B. The Town may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the Town.

## CHAPTER ONE – THE WORKPLACE

### SECTION B: MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT

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#### 5. COMPLAINTS

If you believe that a violation has taken place, a complaint must be filed with the Town Manager who then will submit the complaint to the Mayor. In the case of the complaint being lodged against the Town Manager, the complaint is to be filed directly to the Mayor. A subsequent investigation will be carried out under the direction of the Town Manager and shall give the person so charged an opportunity to be heard. A written report of the findings along with the recommendation of the Town Manager shall be filed with the Town Council. If the Town Council finds that the person has indeed committed a violation it may dismiss, suspend, or take such other appropriate action with respect to the employee.

In addition, complaints of criminal conduct will be investigated by the Washington County Attorney's Office and when deemed necessary, the Utah Attorney General's Office.

**The Ethics Act does not require any employee who complies with the disclosure provisions to abstain from doing business with or within the Town.**

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **1. EMPLOYMENT**

Job Descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **2. RECRUITMENT**

All recruitment shall be conducted in accordance with the State of Utah and the Town of Springdale's equal opportunity laws, specifically the Utah Antidiscrimination Act (UCA 34A-5-101 through 108) and Springdale Town Code Chapter 1-11, Equal Employment.

- A. Each Job Opening Notice shall contain a statement indicating that the Town of Springdale is an equal opportunity employer.
- B. Job Opening Notices may be advertised in any appropriate media and Utah Department of Workforce Services.



## CHAPTER ONE – THE WORKPLACE

### SECTION C: EMPLOYEE HIRING

---

#### 3. SELECTION

##### A. Nepotism

It is the policy of the Town of Springdale to comply with the provisions of Utah's Anti-Nepotism Act, Utah Code 52-3-1.

##### B. Employment of Minors

It is the policy of the Town of Springdale that no one under the age of eighteen (18) shall be hired for any position.

##### C. Rehires

Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications. The Town HR Director or Town Manager will review the former employee's personnel records and the circumstances surrounding the termination of their employment with the Town of Springdale.

##### D. Job Applications

All interested job applicants shall complete a Job Application.

##### E. Job Applicant Disqualification

A job application may be rejected for, but not limited to, the following reasons. When the job applicant:

- 1) Does not meet minimum qualifications established for the position.
- 2) Is physically or mentally unable to perform the essential duties and responsibilities of the position with, or without, reasonable accommodation(s) (determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant).
- 3) Has falsified a material fact or failed to complete the application.
- 4) Has failed to file the application in a timely manner.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **3. SELECTION - continued**

- 5) Has an unsatisfactory employment history or poor work references.
- 6) Has failed to successfully pass any required examination.

#### **G. Interviewing**

The Town HR Director and department manager will select applicants to interview from those who have passed applicable preliminary screening tests and the job application review. The Town HR Director and department manager may create a committee to interview candidates. Job related duties and qualifications shall provide the basis for the initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided (both written and oral) will be verified.

#### **H. Reference Checks**

The Town of Springdale will contact the references listed by each job applicant and ask job-related questions.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

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#### **4. PLACEMENT / JOB OFFERS**

Following the completion of the interview process, the Town HR Director will notify the successful applicant of their conditional selection by way of a written job offer.

- A. The conditional job offer letter shall include the following:
  - 1) The employee's job title.
  - 2) The employee's supervisor.
  - 3) A summary of the job description.
  - 4) Salary and benefit conditions.
  - 5) Any relocation commitments, if applicable.
  - 6) The Town of Springdale's at-will employment policy.
  - 7) Notice that offer is contingent upon successfully passing drug/alcohol tests and verification of applicable records/certifications.
  - 8) The length of the employee's probationary period.
  - 9) Notice that offer is contingent upon successfully passing a physical exam if applicable under Pre-Employment Physical Examinations section below.
- B. The conditional job offer letter shall clearly state that the offer is not accepted until the candidate signs the letter and returns it to the Town of Springdale by the requested date.
- C. The original job offer letter is then filed in the employee's file.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **5. PRE-EMPLOYMENT PHYSICAL EXAMINATIONS**

An applicant, who has been extended a conditional offer of employment in Water, Sewer, Streets, Parks, or Police Departments, as well as other positions that require frequent heavy lifting or strenuous exertion, may be required to pass a pre-employment physical examination to ascertain general health and/or fitness for duty. This includes temporary and part-time positions.

Individuals who have been employed in non-physical types of positions, who request or apply for transfer to a position that requires a employment physical exam, may be required to pass a physical exam as a condition of transfer to that position.

All required physical examinations will be performed at Intermountain WorkMed or other location determined by the Town. Results of physical exams will be kept in a separate confidential file in the Town HR Director's office. The Town of Springdale will pay for required physical exams.

If the results of the exam are acceptable for fitness of duty requirements, the Town HR Director will complete hiring procedures.

If the results of the exam indicate a disabling condition or physical restriction on activity, the Town HR Director, Town Manager, department manager, and supervisor will determine whether reasonable accommodations can be made for the disabling condition or physical restriction in order to perform the essential functions of the position. This determination and reasons will be documented with the individual's application record. Accommodation will be described in writing and will be kept in the individual's personnel file, if employed in the position.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **6. JOB REJECTION LETTERS**

Within five (5) working days after the final choice for an employee has been determined, a job rejection letter must be sent to each job applicant who was not selected for the position.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **7. REINSTATEMENTS**

Any person who is reinstated as an employee of the Town of Springdale may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

##### **A. Layoffs**

Employees who are terminated because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the Town of Springdale within one (1) year after date of termination.

##### **B. Voluntary Resignations**

Employees who voluntarily terminate their employment with the Town of Springdale may maintain their original anniversary date, subject to Mayor and the Town Council's approval, if they are re-employed by the Town of Springdale within six (6) months after date of termination.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **8. HIRING NEW EMPLOYEES**

The Town HR Director is responsible for having **all** new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing the Town of Springdale's Policies and Procedures Manual on the employee's first day of work.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **9. ORIENTATION**

Newly hired Town of Springdale employees shall complete all required paperwork and receive an orientation on their first (1<sup>st</sup>) day of work.

- A. In accordance with the Immigration Reform and Control Act of 1986, all new employees shall provide proof of identity and U.S. Citizenship. If the employee is not a U. S. Citizen, then the employee must show proof that he/she is a lawful permanent resident alien, or an alien otherwise authorized for U.S. employment.
- B. All new employees shall complete and sign a Form W-4 Federal Withholding Statement.
- C. All new employees shall be given a tour of the workplace with a brief overview of company rules and benefits.
- D. All new employees shall be given a complete description and explanation of job duties and expectations.



## **CHAPTER ONE – THE WORKPLACE**

### **SECTION C: EMPLOYEE HIRING**

---

#### **10. PROBATIONARY PERIOD**

- A. All new employees shall be subject to a six (6) month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.
- B. Probationary periods begin on the first day of employment and continue for six (6) months. Management will provide guidance to probationary employees so they understand work requirements.
- C. Sick leave shall accrue from the employee's date of hire. Probationary employees may use accrued sick leave with the approval of the department manager.
- D. Probationary employees may take holidays in accordance with this policy.
- E. Vacation leave shall accrue from the employee's date of hire.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

---

#### **1. GENERAL POLICY / PURPOSE**

In accordance with the Drug-Free Workplace Act of 1988, the Town of Springdale prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work hours, on Town property, or other work sites.

The Town of Springdale is committed to a safe, healthy, and productive work environment for all employees, free from the effects of illegal or non-prescribed drugs and alcoholic beverages. Use of drugs and alcohol alters employee judgment resulting in increased safety risks, employee injuries, and faulty decision making. Therefore, the possession, use, sale of controlled substances or alcohol on Town premises or during work time is prohibited. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited.

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## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

---

#### **2. EMPLOYEE DRUG FREE RESPONSIBILITIES**

It is a condition of employment that:

- A. No employee shall unlawfully manufacture, dispense, possess, use, distribute or sell any illegal drugs or controlled substance.
- B. No employee shall use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used to treat a current illness or injury. If the use of prescribed drugs has any possibility of impairing performance of duties, the employee shall report that fact to the department manager, Town HR Director, or Town Manager before reporting for duty.
- C. No employee shall be on duty while under the influence of any drug (prescription or non-prescription) or alcohol that renders the person incapable of safely and adequately performing job duties.
- D. No employee shall operate a motor vehicle or machinery under the influence of any drug or alcohol that renders the person incapable of safely and adequately operating the vehicle or machinery while on duty for the Town of Springdale.
- E. No employee shall engage in off-duty drug and alcohol use that could impair the ability to perform job duties and provide quality public service.
- F. No employee shall represent the Town of Springdale in an official capacity while impaired by alcohol, illegal drugs, or medication.
- G. No employee shall refuse to submit a sample for drug and alcohol testing purposes when that sample is requested.
- H. Any employee convicted under a federal or state criminal drug statute regulating controlled substances shall notify the Town HR Director or Town Manager within five days after the conviction.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

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#### **2. EMPLOYEE RESPONSIBILITIES - continued**

- I. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify their department manager, Town HR Director, or Town Manager.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

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#### **3. PROHIBITION OF DRUGS AND ALCOHOL**

In order for the Town of Springdale to provide a drug and alcohol-free work environment, it reserves the right to conduct or require drug/alcohol testing of any employee who is on the Town's premises, engaged in Town business, operating Town equipment, attending Town sponsored events, or any prospective employees unless prohibited by applicable law. The Town of Springdale maintains the right to conduct unannounced inspections of Town owned property, vehicles, workstations, equipment, desks, cabinets, etc. The Town of Springdale maintains the right to utilize any detection method necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.

## CHAPTER ONE – THE WORKPLACE

### SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES

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#### 4. DRUG AND ALCOHOL TESTING PROCEDURES

A. Drug and Alcohol Testing will occur as follows:

- 1) **Pre-Employment Testing:** An applicant who has been extended a conditional offer of employment with the Town of Springdale shall undergo an alcohol and drug screen test to detect the presence of alcohol and illegal drugs in the body. Use of an illegal drug or controlled substance, use of a prescription drug without an authorized prescription, or refusal to take the drug-screening test shall be grounds for denial of employment. An applicant whose test detects a Blood Alcohol Content of 0.02 or higher may be denied employment. All conditional offers of employment shall be subject to the results of the drug test and conditioned upon passing the drug test.
- 2) **Post-Accident Investigation:** In any circumstance in which an employee is involved in an accident or incident that results in property damage, personal injury or death, a drug/alcohol test shall be given as part of the accident investigation. The presence of drugs/alcohol or their metabolites discovered in the drug/alcohol test or the refusal to submit to the drug/alcohol test shall result in appropriate disciplinary action, up to and including termination.
- 3) **Periodic Unannounced Testing:** Employees who advise management of a drug or alcohol problem prior to discovery by other means, shall agree as a condition of rehabilitation to submit to such periodic unannounced drug and alcohol testing as may be appropriate. Such drug and alcohol testing shall be conducted upon the advice of a Utah State licensed rehabilitation treatment provider and shall be used to determine if the employee is making adequate progress towards successful rehabilitation. A positive test may subject the employee to immediate discharge.

## CHAPTER ONE – THE WORKPLACE

### SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES

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#### 4. DRUG AND ALCOHOL TESTING PROCEDURES - continued

- 4) **Condition of Employment:** All drug and alcohol testing shall be considered a condition of employment, placement, or continued employment or placement.

**Regular Work Period:** Any drug or alcohol testing of an employee shall be deemed work time for purposes of compensation and benefits.

**Sample Collection and Testing:** All sample collection materials and testing shall be performed by a properly certified agency or individual pursuant to requirements of Utah Code Section 34-41-104 (1998, as amended).

**Second Test After Positive Result – Employee Request:** Any employee receiving a confirmed positive test result for drugs/alcohol under this policy may at personal option and expense request that the original sample be sent to a second, certified testing laboratory for test verification. Such request shall be made in writing to the Town HR Director or Town Manager within 24 hours of being advised of the positive test result. The employee will be placed on unpaid leave while the additional testing takes place. If the result of the additional testing is negative, the employee will be reinstated and paid for the full period of suspension.

**Second Test – Employee Request:** Any employee required to submit to a drug test under the provisions of this policy may at personal option and expense submit a second drug test sample for further testing in accordance with the provisions of the law and within six (6) hours after the first drug test sample is taken.

**Confidentiality:** In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due regard for confidentiality.

## CHAPTER ONE – THE WORKPLACE

### SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES

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#### 4. DRUG AND ALCOHOL TESTING PROCEDURES - continued

1. **Need to Know:** Drug test activities and result reports may be made available only to Town HR Director, department manager, Police Chief, and Town Manager with an immediate need-to-know about those procedures and results.
2. **Disciplinary Action:** Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action.
3. **Testing Information:** All information, interviews, reports, statements, memoranda, or test results received by the Town of Springdale pursuant to this policy are confidential communications and are not to be used or received as evidence; obtained in discovery; or disclosed in any public or private proceedings, except to those having a demonstrated need-to-know or in a proceeding related to any disciplinary action taken by the Town of Springdale, or in defense of any action brought against the Town of Springdale, or by court order, or as required by law.
4. **GRAMA:** Records regarding test results are generally considered protected documents under the provision of the Government Records Access and Management Act, Utah Code Section 63-2-304(8) and corresponding Town ordinances.



## CHAPTER ONE – THE WORKPLACE

### SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES

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#### 5. CONSEQUENCES OF POSITIVE DRUG / ALCOHOL TEST–DISCIPLINARY AND REHABILITATIVE ACTION

Upon receipt of a verified and confirmed positive test result that violates this policy, or upon the refusal of any employee to submit to testing, or to provide a sample, the Town of Springdale may use that positive test result, refusal to submit to testing, or refusal to provide a sample as the basis for disciplinary or rehabilitative action.

- A. **Discipline:** An employee testing positive for drugs or alcohol may be disciplined in accordance with the provisions of this policy, which discipline may include suspension without or without pay or termination. If an employee refuses to provide a sample for drug/alcohol testing in accordance with the provisions of this policy, then the result shall be immediate termination of employment with the Town of Springdale.
- B. **Rehabilitation:** An employee testing positive for drugs or alcohol may be given the opportunity to undergo a rehabilitation program in conjunction with the Town of Springdale's Employee Assistance Program. It shall be the Town's sole and exclusive decision whether to offer rehabilitation to an employee who has tested positive for drugs or alcohol, taking into account such factors as whether the abused substance is an illegal drug, the employee's assigned job duties, and the amount of drugs or alcohol in employee's system at the time of testing. Any employee who is offered and consents to undergo rehabilitation shall be subject to the following:
  - 1) **Relief from Duty:** An employee impaired by drugs or alcohol during work hours shall be relieved from duty immediately.
  - 2) **Change of Assignment:** The Town Manager may change an employee's work assignment while the employee is using prescription drugs that may impair normal functioning.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

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#### **5. CONSEQUENCES OF POSITIVE DRUG / ALCOHOL TEST–DISCIPLINARY AND REHABILITATIVE ACTION – continued**

##### **3) Terms and Conditions of Rehabilitation Program:**

- i. Employee shall undergo an evaluation by a substance abuse professional and when necessary, enroll in a rehabilitation, treatment, or counseling and education program approved by the Town of Springdale and offered by a properly licensed and certified agency or professional.
- ii. Employee shall sign a release to allow communication between the Town HR Director and the treatment provider. All such information shall be maintained in a confidential file separate from the employee's personnel file.
- iii. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation.
- iv. Employee shall undergo and pass a return-to-duty test with a verified, negative result for the presence of alcohol/drugs.
- v. The employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits.

## CHAPTER ONE – THE WORKPLACE

### SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES

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#### 5. CONSEQUENCES OF POSITIVE DRUG / ALCOHOL TEST--DISCIPLINARY AND REHABILITATIVE ACTION - continued

- vi. Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued compensatory time, annual vacation leave, and then sick leave until all leave is expended. The Town of Springdale will continue to pay the employee's benefit package during the allotted treatment time. However, wages will be maintained through the use of accrued leave. Once such leave is exhausted, wages will end. Each incident will be reviewed on a case-by case basis.
  - vii. If the required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to employee's former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.
  - viii. If an employee refuses to meet with a substance abuse professional and refuses to participate in a treatment program, the employee will be dismissed from employment with the Town of Springdale.
- 4) **Follow-up Testing:** Employees who have violated this policy and continue to work for the Town of Springdale shall be subject to periodic unannounced drug/alcohol testing for a period of not less than one (1) year and not more than five (5) years. Employees subject to periodic unannounced drug/alcohol testing will be tested a minimum of four (4) times in the first twelve (12) months following their return to duty.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

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#### **5. CONSEQUENCES OF POSITIVE DRUG / ALCOHOL TEST--DISCIPLINARY AND REHABILITATIVE ACTION - continued**

- i. Follow-up testing beyond one (1) year shall be based on a need assessment provided by a substance abuse professional.
- ii. An employee who receives a second, positive test result at any time during this five-year period will be dismissed from employment with the Town of Springdale.

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION D: ALCOHOL AND DRUG FREE WORKPLACE POLICIES AND PROCEDURES**

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#### **6. DRUG AND ALCOHOL TESTING DISCLOSURE STATEMENT**

This Drug and Alcohol Testing Policy is the unilateral action of the Town of Springdale and does not constitute an express or implied contract with any person affected by or subject to this policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The Town of Springdale may alter, terminate, or make exceptions to this policy at any time, at its sole discretion.

# CHAPTER ONE – THE WORKPLACE

## SECTION E: HARASSMENT

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### 1. PROHIBITED CONDUCT

Harassment has no place at work. It is against Town policy and a violation of the law. It must be avoided and will not be tolerated. Any harassment, whether based on race, color, religion, sex, (including pregnancy, childbirth, pregnancy-related conditions, breastfeeding, or medical conditions related to breastfeeding), national origin, age (40 or older), disability, genetic information, sexual orientation, gender identity, or any other class or expression protected by law is prohibited.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other offensive conduct that is either sexual in nature or directed at someone because of his or her gender. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive work environment.

Harassment, whether sexual or based on the other protected classes listed above, may take many forms including but not limited to:

- Verbal Conduct - such as epithets, derogatory jokes or comments, name calling, innuendos, demeaning slurs, or unwanted sexual advances;
- Visual Conduct - such as leering, derogatory and/or sexually-oriented posters, photography, cartoons, drawings, graffiti, electronic mail, or gestures;
- Physical Conduct - such as assault, offensive touching, blocking of normal movement, or interfering with work; or
- Threats or Demands - to submit to sexual requests as a condition of continued employment benefits.

## CHAPTER ONE – THE WORKPLACE

### SECTION E: HARASSMENT

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#### 1. **PROHIBITED CONDUCT - continued**

If you observe such conduct, or believe it has happened to you, tell the harasser the behavior is offensive and that you want it to stop. Immediately report the incident to your supervisor, department manager, the Town HR Director, or the Town Manager. Management will initiate a prompt, thorough investigation and will take remedial action, as appropriate.

We encourage employees to report incidents directly to their immediate supervisor, but any employee who is concerned or apprehensive may instead report any incident to the Town HR Director or Town Manager.

Reports of alleged harassment are treated as discreetly and confidentially as possible. No employee is retaliated against for lodging a complaint with management under this policy or participating in an investigation of such a complaint. Any employee who believes he or she is being subjected to retaliation should promptly report this to one of the individuals listed above

## **CHAPTER ONE – THE WORKPLACE**

### **SECTION E: HARASSMENT**

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#### **2. DISCIPLINARY ACTION**

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The Town of Springdale does not tolerate harassment of any type. Employees who violate this policy are subject to immediate and appropriate discipline, up to and including termination.



## CHAPTER ONE – THE WORKPLACE

### SECTION E: HARASSMENT

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#### 3. VICTIM PROTECTION

- A. Individual complaints, either verbal or written, are confidential.
- B. Victims of alleged harassment shall not be required to confront the accused outside of a formal proceeding.
- C. The accused shall not contact the victim regarding the alleged harassment.
- D. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
  - 1) Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
  - 2) Retaliation is an additional and separate disciplinary offense.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **1. PROFESSIONALISM**

The Town of Springdale is a professional association whose purpose, among others, is to provide professional services to its citizens. Its employees must adhere to the highest standards of public service that emphasize professionalism and courtesy. Employees are required to carry out efficiently the work items assigned at them, to maintain good moral conduct, and to do their part in maintaining good relationships with supervisors and fellow employees, the public, and Town officials.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **2. PRIVILEGED INFORMATION**

Springdale Town employees possessing information of significant public interest may not use this privileged information neither for personal gain nor to benefit friends or acquaintances. If an employee has an outside interest that could be affected by any Springdale Town plan or activity, the employee must report this situation to the Town Manager immediately. Each employee is charged with the responsibility of ensuring that only information that should be made public is released.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **3. CONFIDENTIALITY**

Employees have a complete right to expect that all personal information about themselves (e.g., their illness, their family and financial circumstance) be kept strictly confidential. Every employee has an obligation to protect this confidence. Never discuss privileged information with others who are not authorized to receive it, either inside or outside the office. Employee personnel files are confidential. Access is limited to the employee, department manager, Town HR Director, and Town Manager.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **4. GIFTS AND GRATUITIES**

Springdale Town employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business and / or a permit with the Town. It is also against policy to accept any gift of the types mentioned above from any person within or outside the Town of Springdale employment whose interests may be affected by the employee's performance or nonperformance of official duties.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **5. ATTENDANCE**

Regular attendance and punctuality are essential to providing high quality work, service to customers, and to avoid extra work for fellow employees. Therefore, when the employee is going to be late or will not be able to report to work, the employee must notify employee's supervisor prior to the scheduled work time. If the employee is ill or has an emergency, the employee should notify his or her supervisor as soon as possible on each day of absence. However, notification may not eliminate the possibility of disciplinary action for frequent absenteeism.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **6. APPEARANCE**

The Town of Springdale expects its employees to present a favorable impression during any contact with the public. All employees are expected to maintain a neat and clean personal appearance. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **7. SMOKING**

In compliance with the Utah Indoor Clean Air Act, smoking is not permitted in Springdale Town facilities, including Town-owned vehicles.



## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **8. PERSONAL USE OF PUBLIC PROPERTY**

Permission may be granted by the Town Manager, Police Chief, or their designee for employee to use or possess public property for incidental personal use in addition to the primary purpose of fulfilling the employee's duties as a public servant. This permission may apply to electronic equipment such as computers, tablets, and cell phones, or other public property provided by the Town at the discretion of the above individuals.

- A. No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on Town-owned computer equipment or cell phones.

#### **B. Postage Meters**

Metering machines may not be used at any time for posting and mailing any personal material.

#### **C. Copy Machines**

Any employee desiring to use an office owned copy machine for personal materials may do so after paying for such use at the rate that is in effect at the time of use.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **9. TIME CARDS**

All hourly employees of the Town of Springdale are required to maintain an accurate and legible record of all hours worked on a time card. Time cards will be signed and dated by the employee and employee's supervisor. Time cards are then forwarded to the Town HR Director for review and payment.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **10. OUTSIDE ACTIVITIES**

Town of Springdale employees shall not use Town-owned property for outside interests and activities without specific approval from the Town Manager. Town employees are also prohibited from:

- A. Pursuing any outside activity during the employee's work time; or
- B. Receiving any telephone, mail or visitor contact related to the outside interest at the Town office or work site.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **11. POLITICAL ACTIVITY**

- A. An employee shall not be coerced to support a political activity.
- B. An employee shall not engage in political activity during work hours unless on approved leave.
- C. An employee shall not use Town owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) in the support of any political activity.
- D. An employee shall not discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use their Town employment title or position while engaging in political activity.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **12. SECONDARY AND OUTSIDE EMPLOYMENT**

Town employees may engage in secondary or outside employment provided such employment does not interfere with their ability to perform all duties and responsibilities of their position with the Town, and employees do not use their position with the Town as a means of furthering such secondary or outside employment. Employees who engage in secondary or outside employment are expressly prohibited from engaging in any activity in furtherance of such secondary or outside employment during the time for which they are also being paid by the Town. Violations of this section may result in disciplinary action up to and including termination.

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

---

#### 13. TOWN OWNED AND LEASED VEHICLE USE

- A. Purpose. The purpose of this policy is to provide Town of Springdale employees with guidelines and requirements for Town-owned vehicle usage during both duty and off-duty hours. For purposes of this manual “Town Vehicle” is defined as a vehicle either owned or leased by the Town of Springdale.
- B. Use of Town vehicles shall conform to the highest standards of responsibility. Persons driving Town vehicles are expected to drive courteously, to drive in a manner consistent with minimum fuel consumption, and to exhibit responsible behavior which reflects positively upon the Town of Springdale and the individual employee.
  - 1) **Public Safety Officers:** It is the policy of the Town of Springdale that all sworn, full-time public safety officers are assigned a Town patrol vehicle. All Officers will be allowed to take their vehicles home due to the fact that they are subject to call for emergency situations and incidents which may arise that would require emergent quick response. During work hours, officers shall use their assigned vehicle during the normal course of their duties, including patrol in the jurisdictional coverage area and any travel associated with their duties. Use of the vehicle outside of the coverage boundaries shall be restricted to official business use only, traveling to and from work from their residence, traveling to and from court, traveling to approved training courses, or any other approved work-related activity. This authorization may be revoked at any time by action of the Chief of Police when it is determined to be in the best interest of the Town or if the officer has failed to comply with departmental rules and regulations.
    - i. IRS guidelines define police vehicles, including unmarked vehicles, as Qualified Nonpersonal Use Vehicles. As such, use of police vehicles, including commuting, is excludable to the employee as a working condition fringe benefit.

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

---

#### 13. TOWN OWNED AND LEASED VEHICLE USE - continued

- 2) **Public Works Employees:** It is the policy of the Town of Springdale that Town employees working with streets, water and sewer may be assigned a Town vehicle. These employees, as approved by the Public Works Superintendent and Town Manager, will be allowed to take their vehicles home due to the fact they are subject to call for emergency situations such as water line breaks or associated emergencies. During work hours, approved employees shall use their assigned vehicle during the normal course of their duties within the Town of Springdale. Use of the vehicles outside of Springdale shall be restricted to official Town business only, traveling to and from work from their residence, traveling to approved training courses, or any other approved work-related activity.
  - i. IRS guidelines define a Qualified Specialized Utility Repair Truck as a Qualified Nonpersonal Use Vehicle if the truck is designed to carry tools and equipment; has permanent interior construction, including shelves and racks, and; the employer requires the employee to commute for emergency call-outs to restore or maintain utility services (for example, gas, water and sewer).
  - ii. Based on the above IRS guidelines, use of Public Works vehicles, including commuting, is excludable to the employee as a working condition fringe benefit.
- 3) **Parks Employees:** It is the policy of the Town of Springdale that Parks Department employees may be assigned a Town vehicle. These employees, as approved by the Parks and Recreation Director and Town Manager, will be allowed to take their vehicles home due to the fact that these employees are required to drop off or pick up equipment and supplies outside Zion Canyon. Additionally, Parks employees may be called upon to flag for emergencies depending on their availability.
  - i. Based on IRS guidelines, Parks vehicles are used for both business and personal purposes. Commuting is the only personal use allowed, and is taxable to the employee as wages.
  - ii. The Town of Springdale has chosen to use the IRS Commuting Valuation Rule to calculate the employee's taxable benefit.

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **13. TOWN OWNED AND LEASED VEHICLE USE - continued**

- 4) All other Town-owned vehicles, even if assigned to a specific department or employee, shall not be taken home except for de minimis use related to scheduled training or other approved event.



## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

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#### 13. TOWN OWNED AND LEASED VEHICLE USE - *continued*

C. **General Rules and Regulations.** The following rules and regulations shall apply to all Town of Springdale personnel while operating a Town vehicle. Violations of this policy subjects the individual to loss of authorization of driving privileges and disciplinary action, up to and including termination.

- 1) Each operator shall possess a valid Utah driver's license and be at least twenty-one (21) years of age. Operation of specialized vehicles (dump trucks, etc.) shall require a specialized license, i.e. Commercial Driver's License (CDL), as Utah law requires. All operators must maintain an acceptable driving record and be qualified to operate town vehicles as provided for in 13-E below.
- 1) The operator of a Town vehicle is responsible for the protection and safe operation of the vehicle. The operator must observe all traffic laws and rules for safe driving. The operator is responsible for traffic violations and fines, including parking violations. The Town will not pay any fines, penalties or other charges the operator may incur while driving a Town-owned or personal vehicle on Town business.
- 3) Employees shall not operate Town vehicles while off-duty, unless the nature of the business is referred to in Section B (2) above, or the off duty activity is previously approved by the department manager and Town Manager.
- 4) All operators of Town vehicles, and any passengers, shall wear their seat belts at all times.
  - a) Passengers during work hours may include other town employees, work-related persons and town volunteers.
  - a) Employees may transport family members as the employee travels to/from work (i.e., drop kids off at school, wife at work) if the destination is between the employee's home and Springdale and if

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

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#### 13. TOWN OWNED AND LEASED VEHICLE USE - **continued**

approved by the department manager.

- 5) Consumption or possession of alcohol in Town vehicles is prohibited. No person shall operate Town vehicles or equipment within four (4) hours of having consumed an alcoholic beverage or while legally under the influence of alcohol. Town vehicles shall not be used in the transportation of alcoholic beverages under any circumstances, except for transportation of such beverages that have been confiscated as evidence or investigation purposes, or used in intoxication detection training conducted by Public Safety personnel.
- 6) Driving any Town vehicle or operating any Town equipment while under the influence of, or in possession of, any illegal drug, except for the transportation of such drugs (by Public Safety personnel), is strictly prohibited.
- 7) No person shall operate vehicles or equipment if taking any medications that may impair their ability to operate a vehicle safely. Employees taking medications that may impact or impair their ability to safely operate a vehicle and/or equipment shall immediately notify their supervisor.
- 8) Any Town employee, who operates a Town vehicle, who has been charged with DUI, open container, or a drug offense, shall lose their driving privilege pending the resolution of the charges. If convicted, any employee whose job description includes operating a Town vehicle or equipment shall be subject to disciplinary action, up to and including termination.
- 9) Operators shall limit their use of cell phones while operating a Town vehicle. If practical, operators shall pull off the side of the road to communicate on cell phones, unless the event is an emergency.
- 10) Operators shall immediately report any observed mechanical problems or problems with the operation of the vehicle to their respective departments.
- 11) Operators are responsible for fueling vehicles. Operators are also responsible for checking oil and water levels, tire pressure and condition

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

---

#### 13. TOWN OWNED AND LEASED VEHICLE USE - **continued**

while fueling, or not less than once per month. Operators shall maintain the cleanliness of Town vehicles and equipment.

- 12) Persons who are not employed by the Town, therefore not covered under the Town vehicle operation insurance policy, shall not operate a Town vehicle, unless authorized by the Town Manager or department manager.
- 13) Employees who are assigned a take-home vehicle must report any change of address to the Human Resource Department within five (5) calendar days. Failure to do so may result in suspension of the assigned vehicle.
- 14) All Town vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.
- 15) Drivers with a vehicle accident and/or traffic violations, regardless of scope, involving Town vehicles and private vehicles operated on Town business will follow these procedures:
  - a) Notify employee's immediate supervisor.
  - b) Immediately file a traffic accident report with a non-related law enforcement agency (i.e. UHP, Washington County Sheriff, etc.)
  - c) Submit to a drug test per Town policy.
  - d) File a report with the Town Human Resources representative.

Any operator involved in a property damage or personal injury accident while on Town business may be subject to disciplinary action. Accidents shall be reviewed by the employee's department manager and Town

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

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#### 13. TOWN OWNED AND LEASED VEHICLE USE - **continued**

Manager. The findings shall then be submitted to the Human Resources representative for the employee's personnel file.

Making false statements on vehicle accident reports is strictly prohibited and could result in disciplinary or legal action.

- 16) An employee may carry a firearm in a Town-owned vehicle if the employee is using the vehicle with proper authorization from the Town. An employee who carries a firearm in a Town-owned vehicle must –
- a) adequately secure the firearm to prevent accidental discharge;
  - b) file a Firearm Disclosure form with the Chief of Police that specifies the type of firearm that the employee is carrying or transporting in the Town-owned vehicle;  
exercise prudent judgment in regards to the firearm, including but not limited to locking it in the vehicle at any time it is unattended;  
and
  - d) notify the employee's supervisor, the Chief of Police, and the Town Manager immediately following any event or issue arising in connection with the firearm that is being carried in the Town-owned vehicle, including but not limited to the discharge or brandishing of the firearm.

An employee who carries a firearm while in the employ of the Town must comply with all state and federal regulations affecting the use and possession of the firearm while carrying out his or her job functions. The Town is not liable for any loss, theft, or damage to employee's firearm.

An employee who carries a firearm in a Town-owned vehicle does so at his or her own risk. The election to carry a firearm in a Town-owned vehicle in no way encourages employees to act in a public-safety capacity. An employee (other than a police officer) who carries a firearm in a Town-owned vehicle does not have public-safety responsibilities.

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

---

#### 13. TOWN OWNED AND LEASED VEHICLE USE - continued

D. **Public Safety Rules and Regulations.** The following rules and regulations shall apply to Public Safety personnel while operating a Town patrol vehicle. Violations of this policy subjects the individual to loss of authorization of driving privileges and disciplinary action, up to and including termination.

- 1) Officers shall carry an authorized duty weapon, police identification, a flashlight, ticket books, report forms, flares or cones, and other required equipment.
- 2) Officers shall not operate Town vehicles while off-duty, unless the nature of the business is referred to in Section B(1) above, or the off duty activity is previously approved by the Chief of Police and Town Manager.
- 3) When driving a police vehicle off-duty, officers shall dress appropriately to represent the Town of Springdale professionally in public contact.
- 4) When in a police vehicle, off-duty officers must keep the police radio on and, if necessary, be available to respond to emergency calls. If in the vicinity, the officer should respond to in progress crimes or other major calls. The officer shall notify the dispatcher of the response and should continue to assist until relieved or until the problem is concluded.
  - a) Non-sworn passengers should not be in police vehicles while responding to emergencies or dangerous calls. They should be left in a safe place prior to arrival at the scene.
  - b) Officers should not transport young children unless a responsible person is present who can care for the children should the officer need to leave the passengers before responding to an emergency.
- 5) Officers who are assigned a Town vehicle shall only be allowed to drive that vehicle to and from their residence if they reside less than twenty-five (25) miles from the coverage area (Springdale, Rockville and Virgin Town limits).

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

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#### 13. TOWN OWNED AND LEASED VEHICLE USE - continued

- 6) Work time required as a result of an off-duty officer responding to a call or performing other police services will be compensated consistent with Town of Springdale compensatory time/overtime policies.
- 7) Unattended vehicles shall be locked at all times.
- 8) Under no circumstances will vehicles be operated by officers who are under the influence of alcoholic beverages or any substances that would impair driving ability.
- 9) Employees who are sick, injured, or on light duty shall not operate a police vehicle until they are cleared to return to full duty by their doctor and documentation is given to the Chief of Police. Any exception to this rule must be approved by the Chief of Police.

#### E. Driver Qualification.

Safety is critical to our operations, therefore all employees or volunteers operating a Town vehicle or who operate any vehicle while conducting business for or on behalf of the Town must be qualified as an “Acceptable” driver per this Driver Qualification Policy prior to operating said vehicle on any public roadway. Drivers, or potential drivers’ Motor Vehicle Record (MVR) will be screened pre-hire and monitored thereafter. Drivers will be qualified as “Acceptable”, “Borderline”, or “Unacceptable.” Drivers whose qualification is “Borderline” will require approval from the Town Manager in consultation with the Police Chief before operating a town vehicle or any other vehicle while conducting, or traveling for, Town business. Drivers with a “Borderline” qualification so authorized to by the Town Manager to drive may do so on a probationary basis.

Drivers with an “Unacceptable” qualification will not be allowed to operate Town vehicles or any vehicle while conducting, or traveling for, Town business.

The driver qualification evaluation will be based on the driver’s MVR and other work-related motor vehicle incidents, whether or not the incident is reported to the Driver License Division and recorded on the driver’s MVR. All violations or

## CHAPTER TWO – STAFF

### SECTION A: EMPLOYEE CODE OF CONDUCT

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#### 13. TOWN OWNED AND LEASED VEHICLE USE - continued

incidents recorded on the MVR, whether they occurred while on the job or not, are included in the driver qualification evaluation.

“Acceptable”, “Borderline”, and “Unacceptable” qualification will be determined using the following criteria:

| Moving Violations | At-Fault Accidents |              |              |              |
|-------------------|--------------------|--------------|--------------|--------------|
|                   | <u>0</u>           | <u>1</u>     | <u>2</u>     | <u>3</u>     |
| <u>0</u>          | Acceptable         | Acceptable   | Borderline   | Unacceptable |
| <u>1</u>          | Acceptable         | Acceptable   | Borderline   | Unacceptable |
| <u>2</u>          | Borderline         | Borderline   | Unacceptable | Unacceptable |
| <u>3</u>          | Unacceptable       | Unacceptable | Unacceptable | Unacceptable |
| <u>4</u>          | Unacceptable       | Unacceptable | Unacceptable | Unacceptable |

Any single major violation may result in an “Unacceptable” qualification as determined by the Town Manager, and may subject the employee to disciplinary actions up to and including termination per this policy. Major violations include the following or an equivalent:

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired
- Making a false accident report
- Vehicular homicide, manslaughter or assault

## **CHAPTER TWO – STAFF**

### **SECTION A: EMPLOYEE CODE OF CONDUCT**

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#### **13. TOWN OWNED AND LEASED VEHICLE USE - continued**

- Driving while license is suspended/revoked
- Careless driving
- Attempting to elude a police officer
- Other violations as determined by the Town Manager in consultation with the Police Chief



## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

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#### **1. GENERAL POLICY**

Every employee shall observe rules of conduct necessary for the proper operation of the Town. Administrative procedures have been established for the handling of disciplinary measures when required. Disciplinary action, up to and including termination, may be imposed for violations of this policy. Written documentation concerning employee disciplinary action taken will become a permanent part of an employee's Personnel Record.

The Town Manager shall inform the Mayor and Town Council of all suspensions and terminations. This notice shall only provide basic information so as to not prejudice the Council should it be called upon to sit as an appellate body.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

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#### **2. TYPES OF DISCIPLINARY ACTION**

##### **A. Verbal Warning**

Whenever grounds for disciplinary action exist and the Town Manager or employee's supervisor determines that more severe action is not immediately necessary, the problem should be verbally communicated to the employee. The employee's supervisor and the Town HR Director shall maintain a record of the verbal warning. Whenever possible, sufficient time for improvement should precede additional disciplinary action. Two verbal warnings for the same problem or situation will result in a written reprimand. However, the issuance of a verbal warning is not a necessary prerequisite to the issuance of a written reprimand.

##### **B. Written Reprimand**

A supervisor or Town Manager may reprimand an employee under their direct supervision. The employee's supervisor or Town Manager shall furnish the employee with a written copy of the reprimand that describes the reasons for the disciplinary action and its expected resolution. The employee and the employee's supervisor or Town Manager shall sign this written copy of the reprimand, and it shall be a permanent record and placed in the employee's personnel file. If the employee refuses to sign the form, it will be so noted. If the employee does not take adequate corrective action, the employee may be terminated in accordance with this policy.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

---

#### **2. TYPES OF DISCIPLINARY ACTION - continued**

##### **C. Termination**

- 1) The Town Manager may terminate an employee for cause.
- 2) On or before the effective date of the termination for cause, the Town Manager shall furnish the employee with a written notification of employment termination clarifying the reason(s) for termination.
- 3) A copy of this notice to terminate employment signed by the Town Manager and the employee shall become a permanent record and placed in the employee's personnel file. If the employee refuses to sign the form, the Town Manager will so state.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

---

#### **3. CAUSES FOR DISCIPLINARY ACTION**

Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- A. Violations of the laws of the State of Utah or the United States, other than minor traffic offenses.
- B. Violation of the Employee Code of Conduct.
- C. Conduct that endangers the peace and safety of others or poses a threat to the public interest.
- D. Unjustified interference with work of other Springdale Town employees.
- E. Misconduct.
- F. Malfeasance (wrongful conduct by a public official).
- G. Misfeasance (performance of a lawful action in an illegal manner).
- H. Incompetence.
- I. Negligence.
- J. Insubordination.
- K. Failure to maintain skills.
- L. Inadequate performance of duties.
- M. Unauthorized absence or tardiness.
- N. Falsification or unauthorized alteration of records.
- O. Violation of Springdale Town policies.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

---

#### **3. CAUSES FOR DISCIPLINARY ACTION - continued**

- P. Falsification of employment application.
- Q. Discrimination in hiring, assignment, or promotion.
- R. Harassment.
- S. Violation of the Personnel Policies and Procedures.
- T. Use of alcohol or drugs, other than medication prescribed by a physician, that affect job performance.
- U. Falsifying Springdale Town Records.
- V. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, or unauthorized alteration of a time slip.
- W. Unauthorized possession of firearms, weapons, or explosives on Springdale Town owned property with the obvious exception of police officers.
- X. Carelessness that affects the safety of personnel.
- Y. Threatening, intimidating, coercing, or interfering with fellow employees on the job, or doing the same with the public at large while on the job.
- Z. Theft or removal of any Town property, or the property of any employee from the work area, without proper authorization.
- AA. Gambling or engaging in a lottery at any Town work area.
- BB. Misusing, destroying, or damaging any Town property or the property of any employee.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

---

#### **3. CAUSES FOR DISCIPLINARY ACTION - continued**

- CC. Deliberately restricting work output of yourself or others.
- DD Sleeping during working hours with the obvious exception of firefighter employees.
- EE. Fighting (verbal or physical) on Springdale Town premises, or while on Town business, or in a Town uniform.
- FF. Any act which might endanger the safety or lives of others.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

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#### **4. CONDUCTING AN INVESTIGATION**

The Town Manager, Town HR Director, department manager, or third-party agency may conduct an investigation into the allegations that form the grounds for disciplinary action. During an investigation to determine the facts upon which disciplinary action may be imposed, the Town Manager may place an employee on administrative leave with pay. The investigation shall include an opportunity for the employee to respond to the allegations.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION A: DISCIPLINARY ACTION**

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#### **5. IMPOSING DISCIPLINARY ACTION**

- A. The Town Manager and Police Chief shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to the Town of Springdale's Personnel Policies and Procedures manual.
- C. Prior to the Town Manager or Police Chief imposing disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Town Manager or Police Chief. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's Personnel File.
- D. In determining the type and severity of the disciplinary action the Town Manager or Police Chief may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on Springdale Town operations; and/or the potential of misconduct to harm person(s) or property.
- E. For disciplinary action other than a verbal reprimand, the Town Manager or Police Chief shall notify the employee, in writing, of the findings of the investigation. This notice shall be considered the notice of disciplinary action. The written notice shall contain:
  - 1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
  - 2) Any prior disciplinary action imposed.
  - 3) The disciplinary action to be imposed.
  - 4) The effective date and duration of the disciplinary action.
  - 5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.



## CHAPTER THREE - MANAGEMENT

### SECTION A: DISCIPLINARY ACTION

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#### 6. APPEAL PROCEDURES

- A. “Probationary employees” and appointed officers have no appeal rights.
- B. Employees have no “verbal warning” appeal rights.
- C. Employees may only appeal a “written reprimand” involving a suspension.

D. **Appealing to the Town Council.**

Upon written receipt of a notice of disciplinary action beyond a verbal warning or written reprimand not involving a suspension, non-exempt employees have the right to appeal the disciplinary process and action imposed by the Town Manager or Police Chief to the Town Council.

- 1) An employee must submit his or her written request for an appeal to the Town Clerk within ten (10) calendar days of their receipt of the written notice of disciplinary action, or the employee will be deemed to have waived all appeal rights.
- 2) The decision of the Town Council shall be final.

## CHAPTER THREE - MANAGEMENT

### SECTION A: DISCIPLINARY ACTION

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#### 6. APPEAL PROCEDURES - continued

##### E. Appealing to the Springdale Town Council.

- 1) The Springdale Town Council shall meet to consider the employee's appeal within ten (10) calendar days of the Town Clerk's receipt of the request for appeal.
- 2) The Council may request written responses to questions from the employee and/or the Town Manager or Police Chief.
- 3) The Town Council shall issue a written decision within five (5) calendar days of its meeting to consider the appeal.
- 4) The decision of the Town Council shall either support or overturn the Town Manager or Police Chief's decision regarding disciplinary action. Copies of the decision will be delivered to both parties.
- 5) If the Town Council overturns the Employee Disciplinary Action,
  - a) The Springdale Town Council shall reinstate any loss of pay associated with the Employee Disciplinary Action,
  - b) The record of the disciplinary action shall be removed from the employee's personnel file, and
  - c) The employee shall be reinstated to his or her previous position.
- 6) If the Town Council upholds the Employee Disciplinary Action, the employee has no additional appeal rights.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION B: GRIEVANCE PROCEDURES**

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#### **1. GENERAL POLICY**

Employees who perceive that they have a grievance against the Town of Springdale should follow the administrative procedure described in this policy before addressing their grievance using any other forum. Grievance shall be defined as any dispute regarding the meaning, interpretation, application, or alleged violation of the terms and provisions of the personnel policies and procedures.

## CHAPTER THREE - MANAGEMENT

### SECTION B: GRIEVANCE PROCEDURES

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#### 2. **EMPLOYEE GRIEVANCE PROCESS**

- A. The employee must advise his or her immediate supervisor of employee's grievance within ten (10) calendar days following the occurrence or event giving rise to the grievance or within ten (10) calendar days of when the employee acquired knowledge of the occurrence or event.
- B. The supervisor shall respond to the employee's grievance within ten (10) working days of the receipt of the grievance.
- C. The supervisor may use an additional ten (10) working days to respond to the grievance if extenuating circumstances exist and if the employee agrees to this extension.
- D. If the supervisor fails to respond within the allotted time or if the employee considers the response to be unacceptable, the employee may proceed to the formal process.

## CHAPTER THREE - MANAGEMENT

### SECTION B: GRIEVANCE PROCEDURES

---

#### 3. ADMINISTRATIVE GRIEVANCE PROCESS

- A. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. The grievance procedure is not available to review matters of a policy nature, such as the establishment of wages or benefits, the terms and conditions of employment and employee evaluations.
- B. Formal Process
  - 1) Each employee pursuing a formal grievance must prepare and submit a separate written grievance appeal. Written grievances shall contain, at a minimum, the following information:
    - a) Name of the employee.
    - b) Date the occurrence or action underlying the grievance occurred.
    - c) Nature of the grievance.
    - d) Historical information related to the grievance.
    - e) Requested resolution.
    - f) Signature of the employee filing the grievance and date filed.
  - 2) The employee must file a written grievance with the Town Manager or Police Chief within five (5) working days after receipt of the supervisor's response.
  - 3) The Town Manager or Police Chief shall investigate the matter and issue a written decision. The investigation may consist of a review of the written documents, conferences with the affected individuals or a meeting with the employee and appropriate representatives from the Town. The Town Manager or Police Chief will decide if one or all of these options will be included in the investigation.

## CHAPTER THREE - MANAGEMENT

### SECTION B: GRIEVANCE PROCEDURES

---

#### 3. ADMINISTRATIVE GRIEVANCE PROCESS - continued

- 4) The investigation period shall be concluded within ten (10) working days after receipt of the employee's written grievance.
- 5) The Town Manager or Police Chief shall issue a written decision within five (5) working days of the conclusion of the investigation period. The decision will be delivered to the employee and the employee's supervisor.
- 6) The decision of the Town Manager or Police Chief shall be final and binding on all parties.
- 7) Employees will be allowed a reasonable amount of time during work to prepare written grievances.

## **CHAPTER THREE - MANAGEMENT**

### **SECTION B: GRIEVANCE PROCEDURES**

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#### **4. CONFIDENTIALITY**

Written grievances shall be considered private data under the Government Records Access Management Act of the State of Utah (GRAMA). The Mayor and Town Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION B: GRIEVANCE PROCEDURES**

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#### **5. FILING**

- A. No document relating to a grievance shall be placed in the employee's Personnel File.
- B. If any disciplinary action against an employee is rescinded as a result of the grievance process, the Town Manager or Police Chief shall remove the record of the disciplinary action from the employee's personnel file.
- C. If any disciplinary action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's Personnel File and the modified record of the disciplinary action shall be placed in the employee's Personnel File.



## CHAPTER 3 - MANAGEMENT

### SECTION C: EMPLOYEE STATUS

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#### 1. TYPES OF TERMINATION

- A. **Retirement:** Voluntary termination at the end of an employee's career.
- B. **Voluntary Resignation:** When an employee wishes to leave employment with the Town of Springdale, the employee will submit the resignation in writing at least two (2) weeks in advance of employee's anticipated final workday. The letter of resignation shall be submitted to the department manager or Town HR Director.
- C. **Resignation in Lieu of an Involuntary Termination Agreement:** The Town Manager may conclude that an employee should be involuntarily terminated for no reason (for probationary employees) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that they would like to voluntarily resign, the Town Manager may agree to a Resignation In Lieu Of An Involuntary Termination Agreement. This agreement would allow the employee's separation to appear as a resignation in the official files.
- D. **Involuntary Termination:** The Town Manager may conclude that an employee should be involuntarily terminated for no reason (for probationary employees) or for cause.
- E. **Medical:** The Americans with Disabilities Act (ADA) prohibits discrimination by certain employers against an "otherwise qualified individual with a disability." Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel and adequate documentation from a physician.
- F. **Death:** If an employee of the Town of Springdale dies, his or her estate or designated beneficiary receives all pay due and any earned and payable benefits (such as payment for compensatory time, annual vacation leave, and overtime) as of the date of death.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION C: EMPLOYEE STATUS**

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#### **2. REQUIRED NOTICE PRIOR TO TERMINATION**

- A. All employees, including “at-will” employees, must notify the Town of Springdale at least two (2) weeks before retiring or voluntarily resigning to be eligible for rehire or future employment consideration.
- B. The Town of Springdale shall follow the notice requirements associated with any disciplinary action of an employee before terminating his or her employment.
- C. Unused, accrued vacation leave, accrued holiday time, compensatory time and overtime will always be paid for resignations, terminations of employment involving reductions in force/layoffs, medical reasons, and deaths.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION C: EMPLOYEE STATUS**

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#### **3. TERMINATION PROCEDURES**

- A. A written notice of voluntary resignation shall be submitted to the Town HR Director or department manager at least two (2) weeks prior to the final workday.. The notice must state a final work date, and must be signed and dated by the employee.
- B. Involuntary Terminations/Separations for Cause require the Town of Springdale to provide its terminating employees with written notification in accordance with the disciplinary policy.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Town Manager may be utilized in situations where a negotiated termination seems beneficial. A Resignation In Lieu of an Involuntary Termination Agreement will serve as notice to the terminating employee.

## CHAPTER 3 - MANAGEMENT

### SECTION C: EMPLOYEE STATUS

---

#### 3. TERMINATION PROCEDURES - continued

- D. A written notice of retirement shall be submitted to the Town HR Director or department manager at least two (2) weeks prior to the final workday. The notice must state a final work date, and must be signed and dated by the employee.
  
- E. Outstanding Pay
  - 1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave up to a maximum of 120 hours, pay for unused, accrued holiday time up to a maximum of 112 hours, compensatory time and/or overtime.
  - 2) Under Utah State law, the required timing of the final payment at termination is:
    - a) A Voluntary Resignation. Next regular pay day.
    - b) An Involuntary Termination/Separation for Cause. Within 24 hours.
  
- F. The terminating employee will return all Town of Springdale supplies and/or equipment to the department manager upon termination.
  
- G. All terminating employees should complete an exit interview with the Town HR Director. The employee and the Town HR Director should sign notes taken during the exit interview.

**SECTION C: EMPLOYEE STATUS**

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**4. POST-EMPLOYMENT INSURANCE**

Any employee who is eligible for benefits, that is separated from the Town of Springdale is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

- A. The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.

COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end.

Contact Human Resources for COBRA information.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **1. GENERAL POLICY**

Employees and supervisors utilize a 3A+ Performance Meeting process to identify performance objectives and measure impact and effort.

The purpose of the 3A+ Performance Meeting is for the employee and supervisor to discuss roles, objectives, tasks, and challenges. Employee and supervisor rate the current performance of the employee based on Arbinger 3A+ criteria of capability, impact, and effort.

It is Springdale Town policy that 3A+ Performance Meetings will be conducted in a manner to ensure fair treatment and an objective evaluation of employee performance.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **2. GOAL SETTING**

- A. Goal setting is critical for the development of performance plans. Goals help define activities that will aid the employee in reaching a higher standard of performance skills, adding value to the organization, and improving customer service within the employee's area of work.
- B. Goal setting is participatory in nature. The employee plays the primary role in goal setting. However, the supervisory may suggest goals for the employee to considering in goal setting.
- C. Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of their goals.
- D. Each employee shall be given a time frame in which to attain the goal that has been agreed upon.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **3. PERFORMANCE PLANNING**

- A. As part of the initial 3A+ conversation, supervisors should complete a written performance plan with their new employees. Performance planning will be a continuing and collaborative process.
- B. Initial performance plans should specify the skills to be achieved during an employee's employment.
- C. Detailed job descriptions are vital to successful performance planning. Job descriptions should be reviewed on an annual basis and updated as needed.
- D. Organizational Context. In the process of initially creating a performance plan, each employee should understand the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
- E. Performance Objectives. Objectives must be simple, clearly defined and understood by both employees and their supervisors. They must be measurable and time based. There must be clear agreement on resources that will be available to the employee and that periodic reviews will be conducted.
- F. The performance plan shall include prioritized objectives, analysis of needed improvement, and mutually acceptable actions needed to improve performance.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **4. PERFORMANCE EVALUATION**

Employees and supervisors utilize a 3A+ Performance Meeting process to identify performance objectives and measure impact and effort.

Supervisors and the Town Manager determine an appropriate departmental 3A+ meeting interval (monthly, bimonthly, quarterly) depending on the needs of the department. To qualify for a merit increase, 3A+ meetings must be held no less than four (4) times per year.

The 3A+ Performance Meeting will be used by employees and supervisors to jointly identify measurable and time-based performance objectives for the next evaluation period and define priorities for identified objectives.

3A+ Performance Meetings utilize ratings as outlined below.

Employees are encouraged to identify individual goals that will enable them to add value to the organization, and to improve customer service within the employee's area of work. While goals should be measurable and time-based, there may be situations where long term goals can be pursued over several evaluation periods. For example, an employee seeking an advanced college degree.

The responsibility for scheduling and preparing for a 3A+ Performance Meeting rests with the employee. The purpose of this departure from traditional performance evaluation procedure is to encourage employees to take accountability for defining objectives and managing time. To qualify for a merit increase, employees must schedule and attend at least the minimum number of 3A+ meetings required for their department.

Employees will prepare the 3A+ worksheet prior to meeting with their supervisor. Both supervisor and employee will keep a copy of the worksheet. The supervisor will use the worksheets to prepare the 3A+ Year-End Wrap.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **4. PERFORMANCE EVALUATION - continued**

Employees who disagree with a supervisor's 3A+ worksheet rating may prepare and attach an explanation of the disagreement. Disputes resulting from rating disagreements will be handled through adopted grievance policies and procedures.

## CHAPTER 3 - MANAGEMENT

### SECTION D: PERFORMANCE EVALUATIONS

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#### 5. 3A+ PERFORMANCE MEETING RATINGS

Current performance under each role is rated by employee and supervisor on the following criteria:

Capability: Employee capability and technical competency to achieve the results they are responsible to achieve. Capability is rated on a scale of one (1), two (2), or three (3).

1. Employee does not have the capability to perform in the assigned role.  
Cannot reasonably become a 3 in the role.
2. With training and/or experience, could be a 3 in the assigned role.
3. Employee has all necessary capabilities to succeed in the assigned role.

Impact: Employee's impact on those they interact with – their eagerness to adjust efforts to ensure that their work and attitude helps others. Employee impact on customers, peers, supervisors/managers, and direct reports is rated on a scale of A, B, or C.

- A. Employee has a positive impact on others.
- B. Employee has a neutral or mixed impact on others.
- C. Employee has a negative impact on others.

Effort: Employee's work ethic, initiative, and diligence in delivering results is rated with a "+" or "-".

- "+". Using a scale from 1-10, a "+" in effort relates to a 9 or 10.
- Anything less than a 9 in effort would result in a "-".

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **6. PERFORMANCE PERIODS**

##### **A. Probationary employees.**

- 1) During their probationary period, employees will schedule a 3A+ Performance Meeting with their supervisor each month. After the end of the probationary period, 3A+ meetings will continue based on the approved departmental schedule.
- 2) The monthly 3A+ Performance Meeting is used to provide feedback to the employee and help the supervisor ensure that performance is consistent with both the supervisor and employee's standards and expectations.
- 3) Probationary employees must realize that the results of their 3A+ Performance Meetings will not obligate the Town of Springdale to any particular employment action. The 3A+ Performance Meetings shall not be construed to create any property or due process rights in regard to the probationary employee's job or position with the Town.

##### **B. Full-time non-exempt employees.**

- 1) The 3A+ Year-End Wrap will be completed in March of each year to facilitate budgeting for the next fiscal year. Employees and supervisors will participate in 3A+ Performance Meetings according to the approved departmental schedule.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION D: PERFORMANCE EVALUATIONS**

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#### **7. CONFIDENTIALITY**

- A. Completed 3A+ Performance Meeting and Year-End Wrap worksheets will become a permanent record in the employee's personnel file.
- B. 3A+ Performance Meeting worksheets may be used in decisions concerning advancement, future training needs, performance related salary adjustments and contested disciplinary actions.
- C. 3A+ Performance Meeting and Year-End Wrap worksheets are to be considered confidential and treated as all other information in the employee's personnel file.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **1. GENERAL POLICY**

Federal law requires employers to keep detailed data about their employees.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **2. CONFIDENTIALITY**

Employee records are maintained in compliance with the law.

- A. Confidentiality must be maintained at all times with access limited to employees and their supervisory chain.
- B. The Town of Springdale policy is that only relevant, job-related information is maintained regarding its employees. This information is held in strict confidence, and access is limited only to those who require it for legitimate business reasons.
- C. Employees have the opportunity to review their own files in the presence of the HR Director in the Town offices during regular business hours.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **3. PERSONNEL FILES REQUIREMENTS**

- A. Personnel files are maintained for each employee and kept by the Town HR Department. The record copy (original) of all appropriate personnel information shall be filed in the employee's personnel file.
- B. No information from an employee's personnel file will be released to any person or organization except by the HR Director.
- C. Employees, or their representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the Springdale Town Offices. When a supervisor requires access to the personnel file of an employee under their supervision for the handling of personnel matters, the supervisor must obtain authorization from the HR Director.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **4. CONTENTS**

The following are records that can be included in an employee's personnel file.

- A. An employment record; including the employee's job application, resume, Employee's Withholding Allowance Certificate (Form W-4), and I9-Insurance form, etc.
- B. A signed copy of the employee's acknowledgment of receiving a copy of the Personnel Policies and Procedures Manual; and the performance standards for the employee's position.
- C. Election form to disclose or keep confidential, the employee's home address and home telephone number.
- D. All personnel action forms, including:
  - 1. Performance evaluations.
  - 2. Promotions or transfers.
  - 3. Salary rate changes.
  - 4. Disciplinary actions.
- E. Any information the employee wants included in response to any of the above actions.
- F. Records of citations for excellence or awards for good performance.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **4. CONTENTS - continued**

- G. Record of any other pertinent information having a bearing on the employee's status.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **5. EMPLOYEE INFORMATION / CHANGE OF EMPLOYEE STATUS**

Employees are responsible for ensuring that personal employee information contained in their personnel files is current and accurate. Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated and submitted to the HR Department as soon as the change occurs.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **6. GIVING REFERENCES**

The Town of Springdale limits information given for a reference to the following:

- A. Verification that the employee worked, full-time or part-time, for the Town of Springdale during a stated period.
- B. A description of the position held.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **7. OTHER FILES REQUIREMENTS**

Records related to the items listed below should be kept for a period of at least one (1) year. In addition, records should be examined annually to keep Personnel Files current and to save those records that management feels should be kept longer.

- A. Job applications.
- B. Any advertisements or notices relating to job openings, promotions, training programs, or opportunities for overtime work.
- C. Records of promotion, demotion, selection for training, layoff, rehire, or termination of any employee. The employee should sign these.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **8. SALARY/WAGE REQUIREMENTS**

The Federal Labor Standards Act (FLSA) requires the Town of Springdale to keep all of the following data on all employees for a period of at least three (3) years.

- A. Employee's sex and occupation.
- B. Time and day workweek begins.
- C. Hours worked each day and total hours worked each week.
- D. Total daily or weekly straight-time earnings.
- E. Total additions to, or deductions from wages paid each pay period, including an explanation of items that make up additions and deductions.
- F. Date of payment and pay period covered.
- G. Total overtime above regular hours for each workweek.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION E: RECORD KEEPING**

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#### **9. OTHER REQUIREMENTS**

There are also record keeping requirements under other federal and state laws, which require that Personnel Files be kept for a certain amount of time.

- A. Occupational Safety and Health Act (OSHA) record of injuries.
- B. Employee Retirement Income Security Act (ERISA) record of pensions.
- C. The Immigration Reform and Control Act (IRCA) of 1986 requires verification of status forms to be kept for as long as the employee works for the employer. Once employment is terminated, the I-9 record must be kept three (3) years after the person is hired or for one (1) year after employment is terminated, whichever is later.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **1. GENERAL POLICY**

The Town of Springdale will pay at least minimum wage and compensatory time/overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938. The Town of Springdale will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and performed under similar working conditions in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **2. EMPLOYMENT CLASSIFICATIONS**

There are four classifications of employees within the Town of Springdale:

**A) Full-time**

An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Depending on employment status (see Section B, “Employment Status”) the employee will qualify for specific Town of Springdale benefits.

**B) Part-time**

An employee hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. Part-time employees do not qualify for Town of Springdale benefits.

**C) Temporary**

An employee hired for a position that is required for only a specific period of time, usually less than six (6) months. Temporary employees do not qualify for Town of Springdale benefits.

**D) Seasonal**

An employee hired for a position that is required only for the summer or winter months. Summer or winter only employees do not qualify for Town of Springdale benefits.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **3. EMPLOYMENT STATUS**

To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:

**A) Exempt**

Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.

**B) Non-exempt**

Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **4. WORK WEEK**

- A) Begins on Wednesday morning at 12:01 a.m.
- B) Ends on Tuesday evening at midnight.
- C) Employees engaged in “public safety” activities, such as Law Enforcement and Fire Protection Departments: as established by the Mayor and Town Council.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **5. WORK DAYS/HOURS**

Town Hall hours of operation are Monday – Friday from 9:00 a.m. to 5:00 p.m.

Employees may work an additional ½ hour each day to compensate for a lunch break. Supervisors are responsible for departmental schedules and will ensure adequate coverage.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **6. ATTENDANCE**

Employees shall be in attendance at their workstations during normal working hours.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **7. CALL OUTS**

The nature of certain job classifications requires the employee to be available for call out during an emergency. Employees on call outs will be paid one (1) hour for call outs lasting one (1) hour or less. Call outs lasting more than one (1) hour will be compensated as regular weekly work hours pursuant to this policy, entitling an employee to overtime pay or compensatory time off if as a result of responding to a call out the employee works more than forty (40) hours during that particular week.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **8. BREAKS AND LUNCH PERIODS**

##### **A) Full-time:**

##### **1) Breaks**

Two (2) optional fifteen (15) minute paid breaks during a standard workday. Breaks shall not be used to extend the lunch period or shorten an employee's work hours.

##### **2) Lunch**

Full-time employees may take a half hour (.5) unpaid lunch period during a standard workday.

Police and Parking Enforcement Officers are exempt from this policy.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **9. LACTATION BREAKS**

In compliance with the Fair Labor Standards Act and Utah Code 34-49-202, the Town will provide reasonable breaks and appropriate facilities to accommodate any employee desiring to express milk for her infant nursing child for up to one year after the child's birth.

- A. Reasonable breaks shall be permitted each time the employee has the need to express breast milk. The supervisor should consult with the employee to determine frequency and duration of the breaks.

Lactation breaks shall, to the extent possible, run concurrently with any other break period otherwise provided to the employee. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time will be unpaid.

- B. Reasonable efforts will be made to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place shall be in close proximity to the employee's work area, have an electrical outlet, and shall not be a bathroom or toilet stall. The room must be maintained in a clean and sanitary condition, and provide privacy from view of and intrusion from co-workers or the public.
- C. The Town shall provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of the employee's breast milk.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **10. PAYROLL PROCEDURE**

- A) Timecards are to be completed by the employee, signed and submitted to the supervisor at the end of the employee's last shift of the pay period. Falsification of timecards will result in disciplinary action.
- B) After supervisor review and approval, timecards will be submitted to the HR Department no later than 3:00 p.m. on Wednesday after the pay period ends.
- C) Employees will be paid biweekly through direct deposit
- D) No paychecks shall be issued in advance of regular pay periods.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **11. OVERTIME PAY**

- A) It is Town policy to avoid the necessity of overtime whenever possible; however, the Town recognizes that overtime may sometimes be necessary to meet emergency situations and/or seasonal or peak workload requirements of a critical nature. Department managers are responsible for the planning required to minimize the need for overtime. If, in the judgment of the Town Manager or Police Chief, work beyond the normal workday or workweek is required, overtime may be authorized for non-exempt employees. Overtime must be approved in writing prior to being worked. Overtime during emergency situations may be approved verbally by the Town Manager or Police Chief, followed by a written approval. Unapproved overtime will not be compensated. Exempt employees are not eligible for overtime.
- B) For all non-exempt employees, overtime pay applies to over forty (40) hours worked in a workweek at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. Vacation, holidays, sick, or other leave shall not constitute hours worked for the calculation of overtime.
- C) All overtime must be paid in the period in which it is earned. Overtime for pay shall not be accrued, except in the case of compensatory time off (see below).

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **12. COMPENSATORY TIME OFF**

- A) Employees may receive compensatory time off in lieu of overtime pay at the Town's discretion as authorized by the Town Manager, Police Chief, or department managers. The employee must schedule the use of compensatory time with his or her supervisor.
- B) Accrual of Comp Time
  - 1) Non Public Safety Personnel. No more than forty (40) hours of compensatory time may be held at any time. The Town Manager may on a case-by-case basis allow more than forty (40) hours for emergency situations or when scheduling requires additional employee work.
  - 2) Public Safety Personnel. No more than one-hundred and twenty (120) hours of compensatory time may be held at any time.
- C) Compensatory time cannot be used before it is earned.
- D) Compensatory time will be accumulated at the rate of one and one-half (1-½) hours for every overtime hour worked.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **13. VACATION LEAVE**

- A) Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue annual vacation leave. Persons hired on an emergency, part-time, seasonal, temporary or contract basis who become full time employees will be eligible for vacation leave beginning on the date they become full-time employees; and their full-time date of hire will be the beginning date used for eligible vacation benefits.
- B) Full-time employees are eligible for vacation time off with pay according to the following schedule:

Up to five years of service: Two weeks (80 hours) per year (accrual 3.08/pay period).  
Six or more years of service: Three weeks (120 hours) per year (accrual 4.62/pay period).
- C) New full-time employees shall accrue annual vacation leave from the date of hire.
- D) The maximum annual vacation leave that can be accrued and carried forward from one calendar year to the next is one-hundred twenty (120) hours.
- E) No more than fifteen (15) days of annual vacation leave may be taken in any calendar month without the approval of the Town Manager. In no case may more than forty (40) days of annual vacation leave be taken in any calendar year. In no instance will annual vacation leave be granted unless it has been previously earned.
- F) All annual vacation leave requests should be submitted to employee's supervisor a reasonable time in advance of the desired time off. If an excessive number of employees request annual vacation leave for the same time period, annual vacation leave shall be granted only to the number of employees who would not leave the department ineffective and in order of application (first-come-first-served) at the discretion of the supervisor.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **14. SICK LEAVE**

- A) Sick leave shall not be considered as a privilege or as additional vacation that an employee may use at his or her discretion, but shall be requested and allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.
- B) Sick leave may be used at any time with approval of the employee's supervisor for the following reasons:
  - 1) When the employee is unable to perform his or her regular duties or other temporary work to which they may be assigned.
  - 2) Visits to hospitals, clinics, doctor's and dentists' offices for diagnosis or treatment of illness, injury or examination. The minimum time that may be taken by non-exempt employees is one (1) hour.
- C) Sick leave shall be available to all Full-time employees. Part time, Seasonal, or Temporary employees are not eligible for sick leave. Sick leave may be used during an employee's probation period with approval of the employee's supervisor.
- D) Sick leave is accrued at the rate of one (1) day per month or twelve (12) days per year. The employee will begin to accrue sick leave immediately upon hire. Sick leave shall not accrue if an employee is in a leave-without-pay status. The Town HR Director will keep sick leave accrual records
- E) Sick leave shall be charged against non-exempt employees in not less than one (1) hour increments. Advance sick leave is not allowed.
- F) No employee shall be compensated for unused accrued sick leave.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **14. SICK LEAVE - continued**

##### **G) Payments**

- 1) In order to qualify for sick leave payments, an employee must notify their supervisor no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impossible. The supervisor should also be kept advised of the employee's progress and expected date of return to duty.
- 2) Employee will be paid only when the employee (or a member of his immediate family if the employee is incapacitated) notifies the supervisor within one (1) hour after the employee's scheduled reporting time.

H) Any absence for illness beyond accrued sick leave will result in the employee being carried on leave status until all vacation leave, comp time, and holiday accruals are exhausted, then carried in a leave-without-pay status.

I) Certification of Illness: For sick leave in excess of three (3) consecutive working days, or if abuse of sick leave is indicated, the supervisor may require a certificate from the attending physician stating that such illness prevented the employee from working.

J) Long Term Illness: Illness or injury that requires long term absence in excess of five (5) consecutive working days shall be reported to the employee's supervisor, who shall approve the use of sick leave. During illness or recovery, the employee shall provide documentation from the attending physician on a weekly basis, advising the supervisor of employee's status, expected date of recovery and expected date of return to work.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **15. HOLIDAY ACCRUAL**

- A) Holiday time will be accrued as holidays occur during the year. Employees may not use holiday time prior to the date of the holiday, but may use the accrued time during the subsequent twelve (12) months. Employees may not accrue more than 112 hours of holiday time. Any accrual in excess of 112 hours will be forfeited by the employee.
- B) Holiday time may be used at any time after accrual with approval of employee's supervisor.
- C) Holiday time shall be available to all full-time employees. Part time, seasonal, or temporary employees are not eligible for holiday accrual. Holiday time shall be available for use by an employee during the employee's probation period.
- D) Upon termination, unused holiday accrual will be paid to the employee as part of the final paycheck.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **16. INSURANCE**

##### **A) Medical Health Insurance**

It is the policy of the Town of Springdale to pay the cost of health insurance for each individual full-time employee and the employee's dependents.

In the event that the Town Council opts to offer employees a high-deductible health plan, the Town will contribute a specified amount to the employee's Health Savings Account. This amount will be determined by the Town Council as part of the annual budgeting process.

Employees will receive Health Savings Account contributions on July 1 or at the date of hire.

- i. Health Savings Accounts of new employees hired between January 1 and June 30 of any given year will be funded at a rate of 1/12<sup>th</sup> of the annual contribution for each month employed from hire date to June 30. An annual contribution will be made on July 1. If an employee already has insurance coverage and chooses to opt out of the Town's medical insurance program, the Town will either 1) contribute the amount equal to the cost of the lowest-priced individual insurance policy available to the Town to a 401k, 457, or other retirement savings program of the employee's ownership, or 2) increase the employee's wage commensurate to the cost of said individual policy, whichever option is selected in writing by the employee.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **16. INSURANCE - continued**

If an employee has other health insurance coverage and chooses to opt out of the Town's medical insurance program, and in the event the Town Council offers the option, the Town will either 1) contribute an amount equal to the lowest annual Health Savings Account contribution amount (i.e. single coverage amount) approved by the Town Council for that budget year, to the employee's 401k, 457, or other retirement savings program of the employee's ownership, or 2) increase the employee's wage commensurate to the cost of the annual Health Savings Account contribution approved by the Town Council for that budget year. This contribution will be made annually on or about July 1.

This compensation provision is not subject to COBRA extension if and when employment terminates.

#### **B) Life Insurance**

A basic life insurance policy is provided free of charge for each full-time employee at the Town of Springdale's expense. The employee has the option to purchase additional life insurance at the employee's expense.

#### **C) Dental and Vision Insurance**

Dental/Vision Insurance is provided for all full-time employees and the employee's dependents at the employee's expense.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **17. HYBRID/REMOTE WORK (TELECOMMUTING)**

- A. The Town recognizes that hybrid schedules may benefit both employees and departments, but realize that some departments are not suited to a hybrid arrangement.
- B. Department managers may permit hybrid schedules or temporary remote arrangements if adequate coverage is maintained within their department. Department managers reserve the right to approve or deny hybrid or temporary remote work arrangements.
- C. Department managers will evaluate hybrid or temporary remote work requests on a case-by-case basis and will not discriminate based on Title VII of the Civil Rights Act of 1964.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **18. PREGNANT WORKER ACCOMMODATIONS**

As required by the federal Pregnant Workers Fairness Act (PWFA) and Utah Code, the Town will provide reasonable accommodations to employees with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the Town's operations.

- A An employee may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to Human Resources. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.
- B. Upon receipt of a request for accommodation, Human Resources, the employee, and the manager will discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations may include allowing the individual to:

- Have flexible hours.
- Receive additional break time to use the bathroom, eat and rest.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the Town will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The Town prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION F: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

#### **19. ADDITIONAL PROVISIONS**

Existing personnel policies shall cover any payroll issue not addressed in this policy. Similarly, this policy supersedes any other policies on employment classifications, status, workweek, workdays, work hours, payroll procedures, overtime, compensatory time or vacation time.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **1. MERIT INCREASE**

Based on budget approval, employees are eligible to receive merit increases upon completion of a 3A+ Year-End Wrap with their supervisor. This Wrap is the culmination of the periodic 3A+ Performance Meetings between employee and supervisor throughout the year. The 3A+ Year-End Wrap will quantify the impact and effort of the employee during the year. This score determines the percentage of merit increase possible for the employee.

The Town Manager, upon approval of the Mayor and Town Council, shall adopt merit increase guidelines effective July 1 of each calendar year subject to funding in the approved budget.

Permanent full-time employees are eligible to receive a merit increase.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **2. LONGEVITY BONUSES**

The Town Council may grant longevity bonuses for full-time employees according to the schedule below:

After five (5) years of full-time employment: \$1,000;

After ten (10) years of full-time employment: \$2,500;

After fifteen (15) years of full-time employment: \$5,000;

After twenty (20) years of full-time employment: \$10,000;

After twenty-five (25) years of full-time employment: \$15,000.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **3. COST OF LIVING ADJUSTMENTS**

All part-time and full-time employees are eligible for Cost-of-Living Adjustments (COLA) subject to availability of funds.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **4. PROMOTION**

- A. All employees are encouraged to compete for vacant positions in the Town's organization. At the discretion of the Town Manager, vacant positions may be listed as promotional opportunities for current Town employees, prior to general recruitment.
- B. An employee receiving a promotion will receive a salary increase to the pay step in the new salary range nearest to a ten percent (10%) increase and will continue in the new range per Town policies. If the ten percent (10%) increase results in a salary below the minimum of the new range, the employee will receive the minimum step on the new range.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **5. ORDER OF SALARY CALCULATION**

Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

- A. Market adjustment or promotion
- B. Cost of living adjustment
- C. Merit

## **CHAPTER 3 - MANAGEMENT**

### **SECTION G: SALARY PLANNING**

---

#### **6. REASSIGNMENT**

Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION H: PAYROLL ADMINISTRATION**

---

#### **1. PAY PERIODS**

The Fair Labor Standards Act requires that wages be calculated on a weekly basis for employees not working in “public safety” activities, unless an exception is granted by the Department of Labor.

Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28.

Town of Springdale public safety employees will accrue comp time for time worked in excess of 85.5 hours during the 14-day work period.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION H: PAYROLL ADMINISTRATION**

---

#### **2. PAY DAYS**

- A. All Town Employees will be paid on a bi-weekly basis, or 26 pay days per calendar year.
- B. The Town of Springdale will not provide loans or payroll advances.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION I: REIMBURSABLE EXPENSES**

---

#### **1. GENERAL POLICY**

With prior approval, the Town of Springdale will reimburse legitimate expenses to the employee. Receipts are required to reimburse the employee. Reimbursement may be in the form of petty cash or a separate check. Records must be kept reflecting the amount of reimbursement each employee has received.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION I: REIMBURSABLE EXPENSES**

---

#### **2. TRAINING AND CONFERENCES**

If an employee is required to attend training seminars, conferences, briefings, or gather information, the employee will be compensated. Comp time/overtime will be accrued/paid at the rate of one and one-half (1½) times their regular work day pay if hours worked exceed forty (40) hours in that week (85.5 hours per pay period for police).

## **CHAPTER 3 - MANAGEMENT**

### **SECTION I: REIMBURSABLE EXPENSES**

---

#### **3. TRAVEL POLICY**

- A. All travel for legitimate Town business within Springdale Town limits is to be reimbursed when the travel involves the employee's personal vehicle. A log of all such travel shall be kept. This log shall include the reason for the trip, the time the employee departed, the time the employee returned, and total mileage.
- B. The mileage rate will be consistent with the established rate used for Internal Revenue Service travel deductions.
- C. It is important for employees to utilize Town-owned vehicles to accomplish routine departmental tasks during the workday. Therefore, department managers may require employees to use available Town-owned vehicles during the employee's work shift. In the event it is not required by a manager, employees are still encouraged to use a Town-owned vehicle to carry out tasks whenever possible or practical. There may be situations where using a Town-owned vehicle may not be possible or practical. In those situations, employees, officers, and volunteers acknowledge that neither the Town nor the Town's automobile insurance company are responsible for personal vehicle accident coverage. The vehicle owner must carry minimum state-mandated liability coverage at his/her own expense. The Town does not provide primary vehicle liability or personal injury protection coverage for personal vehicles driven by Town employees, officers, or volunteers.
- D. The vehicle owner must carry comprehensive and collision insurance at their own expense. The Town provides no automobile physical damage coverage for personal vehicles used for Town business. If a personal vehicle is damaged, there is no insurance program with the Town to cover such damage.
- E. All hotel or other overnight accommodations and airplane or other travel accommodations shall be arranged in advance for overnight trips and paid in advance of the trip. Employees shall use their Town credit card to pay for lodging and airfare and submit receipts to the Deputy Treasurer. Except in unusual circumstances, employees shall not request reimbursement for lodging and travel expenses from the Town.
- F. Advance registration fees may be paid by Town check or with Town credit card.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

---

#### **1. WORKER'S COMPENSATION**

- A. All employees are covered by workers' compensation, which provides medical reimbursement and disability benefits for job-related illness or injury. An employee does not accrue benefits while receiving workers' compensation payments. For exact compensation coverage, check the workers' compensation contract on file with the Town Treasurer/HR Director.
- B. Employees may use accrued vacation or sick leave to make up the difference between workers' compensation benefits and their base pay.
- C. Workers Compensation Coordinator: The Town Treasurer/HR Director is our Workers Compensation Coordinator (WCC). See Section M.4. below for accident reporting procedures and return to work policy.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

---

#### **2. SOCIAL SECURITY/FICA**

All employees whether full-time, part-time, or temporary are covered by the benefits of Old Age, Survivors, and Disability Insurance as provided for by law. Contributions of the employee and the Town of Springdale will be made in accordance with the provision of the law.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

---

#### **3. STATE AND FEDERAL UNEMPLOYMENT**

All employees whether regular, part-time, or temporary are covered by the benefits of State Unemployment.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

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#### **4. CONTINUING EDUCATION**

Employees are encouraged to obtain continuing education through attendance at job related seminars. Requests for attendance must be approved in advance by the Town Manager.

##### **A. Education Required by the Town of Springdale**

If the Town of Springdale requires an employee to attend any educational or training course, conference, seminar, or certification course, necessary time off with pay and reimbursement will be granted the employee for all associated costs including tuition or registration fees, authorized travel, meals, and lodging.

##### **B. Education Encouraged by the Town of Springdale**

Employees are encouraged to further their education and training in areas that will enhance their job performance. Upon advance approval by the Town Manager and inclusion of anticipated expenses in the Town's approved annual budget, and upon successful completion of relevant training courses, employees shall be reimbursed for tuition fees, materials, and other necessary and approved expenses not to exceed \$2000.00 per calendar year upon presentation of proper receipts. Proof of successful completion will include one (1) of the following:

- 1) A certificate indicating successful course completion, if applicable.
- 2) A grade point average of 3.0 or higher on a 4.0 (A, B, C, D) scale.
- 3) A pass grade on a pass/fail grading system.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

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#### **5. RETIREMENT SYSTEM**

Additional details are available from the Town HR Department.

- A. The Town participates in the Utah Retirement Systems non-contributory program. Eligibility for the program is based on Utah State Law, Title 49.
- B. The cost of this program is paid in accordance with State Law.
- C. In accordance with 49-13-203, elected officials are considered part-time and ineligible for retirement.
- D. The following positions may be exempted from participating in Tier 2 Utah Retirement Systems:
  - Appointed Officials:
    - i. Town Clerk
    - ii. Town Treasurer
- E. The following positions are considered to be ineligible for Tier 2 Utah Retirement Systems participation:
  - a. Mayor and Town Council
  - b. Planning Commission Members

## **CHAPTER 3 - MANAGEMENT**

### **SECTION J: BENEFITS**

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#### **6. WELLNESS PROGRAMS**

Upon Town Council approval and within established budget guidelines, the Wellness Committee may present incentive programs to the employees to encourage involvement in wellness activities. These programs are voluntary, and may include monthly challenges as well as annual incentive challenges.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION K: FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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#### **1. GENERAL POLICY**

The Family and Medical Leave Act of 1993 requires many employers, including “public agencies” with a minimum number of employees to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member. The Town of Springdale is subject to FMLA because it is a municipal entity.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **1. ABSENT WITHOUT LEAVE**

- A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action by the Town Manager, up to and including termination.
- B. Any employee who is absent for three (3) or more consecutive workdays without authorized leave shall be deemed to have voluntarily resigned his or her position and employment without notice. The Town Manager may grant leave with or without pay if extenuating circumstances are found to have existed.

## CHAPTER 3 - MANAGEMENT

### SECTION L: LEAVES OF ABSENCE

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#### 2. HOLIDAYS

A. Holidays which apply to full-time employees are:

- 1) New Year's Day: January 1<sup>st</sup>
- 2) Martin Luther King, Jr. Day: 3<sup>rd</sup> Monday in January
- 3) Presidents' Day: 3<sup>rd</sup> Monday in February
- 4) Memorial Day: Last Monday in May
- 5) Juneteenth: June 19<sup>th</sup> or Monday preceding June 19<sup>th</sup> if it falls on Tuesday – Friday. If it falls on Saturday or Sunday, holiday is observed on following Monday.
- 6) Independence Day: July 4<sup>th</sup>
- 7) Pioneer Day: July 24<sup>th</sup>
- 8) Labor Day: 1<sup>st</sup> Monday in September
- 9) Columbus Day: 2<sup>nd</sup> Monday in October
- 10) Veteran's Day: November 11<sup>th</sup>
- 11) Thanksgiving Day: 4<sup>th</sup> Thursday in November
- 12) Friday after Thanksgiving: 4<sup>th</sup> Friday in November
- 13) Christmas Eve: December 24<sup>th</sup>
- 14) Christmas Day: December 25<sup>th</sup>

Any day designated by the Governor as a State Holiday or designated by the Town Council will be observed



## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **2. HOLIDAYS - continued**

- B. If any of the above holidays fall on Saturday, then the preceding Friday shall be recognized as the holiday. If any of the above holidays fall on Sunday, then the following Monday shall be recognized as the holiday.
- C. Part time, seasonal, or temporary employees are not eligible for holiday accrual. Holiday time shall be available for use by an employee during the employee's probation period.
- D. If an employee works a holiday due to regular scheduling of a position that requires 7 day per week coverage, the employee will be allowed to take the holiday off at a later day. No more than 112 hours of holiday time shall be accrued by an employee over the course of twelve (12) months, however. Holiday pay will not be added to regular pay (double time).
- E. As referenced in Section F, employees may not use holiday time prior to the date of the holiday, but may use the accrued time during the subsequent twelve (12) months. Employees may not accrue more than 112 hours of holiday time. Any accrual in excess of 112 hours will be forfeited by the employee.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **3. MATERNITY LEAVE**

- A. FMLA leave may be available to employees if they have worked for the Town for at least a year, and worked at least 1,250 hours during the previous year. An employee may request up to twelve (12) weeks to bond with a new child. This request must be made in writing and delivered to the HR Director. Accrued leave will be used while on FMLA and, when exhausted, employee will be placed on leave-without-pay status. Health insurance will continue uninterrupted during FMLA leave. Employees are entitled to be reinstated to the same or equivalent position, with a few exceptions.
- B.
- C. Failure of the employee to return to work at the expiration of maternity leave shall be considered a voluntary resignation of their position and employment without notice.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **4. MILITARY LEAVE**

All full-time employees shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves for the purpose of fulfilling annual field training. Paid military leave shall not exceed ten (10) working days in any one (1) calendar year (Utah State Code 39-3-1 et seq.). Any compensation, including travel and expense allowance, received by the employee must be turned back to the Town of Springdale.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **5. JURY LEAVE**

Any employee may be granted leave with full pay when performing jury duty or when required to serve as a witness for litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation, including travel and expense allowance, received by the employee must be turned back to the Town of Springdale. Paid leave will not be granted when the employee is serving as his or her own witness in any legal proceeding to which he or she is a party.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **6. BEREAVEMENT LEAVE**

Full-time employees will be granted up to three (3) days of bereavement leave with pay after the death of the following:

- Employee's spouse or domestic partner
- Child or step-child
- Daughter-in-law or son-in-law
- Parent or step-parent
- Grandchild
- Mother-in-law or father-in-law/Child's grandparent
- Sister-in-law or brother-in-law
- Grandparent or spouse-or-domestic-partner's grandparent
- Brother or sister

Bereavement leave shall also apply in the event of a stillbirth or miscarriage.

Bereavement leave shall not be charged against accrued annual vacation or sick leave.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **7. ADMINISTRATIVE LEAVE WITH PAY**

- A. A full-time or probationary employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **8. LEAVE WITHOUT PAY**

- A. The Town Manager, with the consent of the Mayor and Town Council, may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.
- B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's annual vacation leave, sick leave, and time toward their performance evaluation, if applicable, shall not accrue.
- C. Leave without pay shall be granted:
  - 1) For education purposes when the employee's course of study will be of direct benefit to the Town of Springdale, employee's absence will not be a hardship for the department, and the employee agrees to return to work at the end of the leave period.
  - 2) To attend funerals not covered by the funeral leave policy.
  - 3)
- D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the Town Manager may decide whether the leave without pay is warranted.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION L: LEAVES OF ABSENCE**

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#### **9. DOCUMENTATION OF LEAVE**

Some of the above absences must be supported by a copy of the official paperwork causing the absence. Such paperwork must be submitted to the Town Manager as soon as possible. In some cases where official paperwork is not available the Town Manager may request that the employee supply additional information in writing to support the absence.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

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#### **1. GENERAL POLICY**

The following general safety rules will apply in all Town workplaces. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not conflict with these rules.

- A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.
- B. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, and hard hats, if required or appropriate to the work performed.
- C. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines. Long hair will be properly secured.
- D. All accidents, regardless of severity, personal or vehicular, shall be reported immediately to the supervisor and HR Director.
- E. Defective equipment will be reported immediately to the supervisor or Town Manager.
- F. Employees will not operate equipment or use tools for which licensing and training has not been received.
- G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

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#### **1. GENERAL POLICY - continued**

H. Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:

- 1) Road repair;
- 2) Construction areas;
- 3) Vehicle maintenance areas;
- 4) Swimming pools;
- 5) Animal control;
- 6) Utility plants; and
- 7) Sewers.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

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#### **2. PROPER USE OF TOWN OF SPRINGDALE EQUIPMENT AND TOOLS**

- A. Except as specifically authorized in this policy, the use of Town equipment or tools for private purposes is strictly prohibited. However, reasonable use of Town tools and equipment to protect property and preserve life is authorized.
- B. Employees shall be required to attend training provided by the Town of Springdale; including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description. Employees may attend additional training as approved by the employee's supervisor.
- D. Operators and passengers in a business-use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

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#### **3. SAFETY COMMITTEE**

The Town has established a safety committee to recommend improvements to workplace safety programs and to identify corrective measures needed to eliminate or control recognized safety and health hazards.

The safety committee consists of the following Town personnel: Mayor, Town Manager, Chief of Police, Town Treasurer/HR Director, Public Works Superintendent, Parks and Rec Director, Director of Community Development, and any other employee designated by the Mayor and Town Manager.

The safety committee will meet monthly and will be chaired by the Mayor.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

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#### **4. ACCIDENT/INJURY REPORTING; RETURN TO WORK**

- A. Policy: The Town of Springdale is committed to provide a safe work environment for our employees. But if an employee becomes injured on the job, we will do everything we can to help the employee heal and return to work as quickly as possible. When employees are able to work and be a contributing team member, the injured employee heals faster, we are more productive and the morale of our entire organization is lifted.
- B. Workers Compensation Coordinator: The Town Treasurer/HR Director is our Workers Compensation Coordinator (WCC). The WCC will help injured employees and their supervisors achieve the goal of helping injured employees get healthy and back to being a contributing team member.
- C. Medical Providers: If a life-threatening injury occurs, 911 should be called to access normal emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor to:
  - 1) IHC WorkMed, 385 N. 3050 East, St. George, UT 84790
  - 2) If the provider is not available, call the WCC to arrange medical care.
  - 3) Employees must seek care from the provider designated by the WCC. Failure to do so may affect their workers compensation claim.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION M: GENERAL SAFETY**

---

#### **4. ACCIDENT/INJURY REPORTING; RETURN TO WORK - continued**

- D. Injury Reporting: All injuries, no matter how minor, must be reported immediately to the employee's supervisor. Supervisors report these injuries to the WCC, who begins a workers compensation claim and helps to arrange medical care, and the Town Manager. All injuries must be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.
- E. Post Injury Procedures: After receiving medical treatment, the following steps must be taken:
  - 1 Employee and his/her supervisor deliver all paper work from the medical provider to the WCC.
  - 2) The WCC reports the injury to the Town's workers compensation insurance carrier.
  - 3) The WCC provides a copy of the medical report to the injured employee.
  - 4) WCC and the injured employee's supervisor review any restrictions given by the medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions. If not, a Restricted/Light/Transitional Duty job will be assigned to accommodate the restrictions. The new position may be in another department and require the employee to perform duties not contained within the employee's current job description.
  - 5) Injured employees must comply with the restrictions they are given. Failure to do so could slow their recovery or cause further injury.
  - 6) The WCC communicates with insurance adjusters to manage the worker's compensation claim.

## CHAPTER 3 - MANAGEMENT

### SECTION M: GENERAL SAFETY

---

#### 4. ACCIDENT/INJURY REPORTING; RETURN TO WORK - continued

- F. Restricted/Light/Transitional Duty: The Town of Springdale will accommodate restricted duty jobs for workers injured on the job. The WCC will work with the employee's supervisor and the Town Manager to design a work strategy that meets the injured employee's restrictions and accomplishes the Town's goals.
- G. Follow up: Injured employee's supervisor and the WCC will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions and that any restricted duty assignments are helping the employee move closer to their regular job duties.
- H. Return to Work: Employees must return to work after the approval of the medical provider. A statement from the medical provider stating the employee is able to resume full and normal duties will be provided to the WCC prior to returning to regular duties.

An employee who is unable to return to work in the same job classification due to the nature of the injury may be permanently assigned a new position. The new position may be in another department and may be unrelated to the employee's previous duties. If necessary, the employee will be retrained to function in the new job classification.

If the employee is unwilling to be assigned to another position, the employee may be terminated and paid any accrued benefits and salary in accordance with town policies.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION N: UTAH OSHA REQUIREMENTS**

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#### **1. GENERAL POLICY**

It is the policy of the Town of Springdale to maintain an environment that is free from any recognizable hazard that is likely to cause death or serious injury to any employee through open communication with all employees.



## **CHAPTER 3 - MANAGEMENT**

### **SECTION N: UTAH OSHA REQUIREMENTS**

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#### **2. POSTING UOSHA NOTICES**

The Town of Springdale will post all required UOSH and OSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Town HR Director or Town Manager when they have questions about any of the standards that are provided under UOSH or OSHA.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION N: UTAH OSHA REQUIREMENTS**

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#### **3. INSPECTION PROCEDURES**

All employees should follow the procedures listed below in the event inspectors from UOSH or OSHA present themselves on the job site.

- A. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- B. The employee will inform the inspector that the employee will contact the Town Manager who will accompany the inspector during any inspection.
- C. The Town Manager should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSH inspector shows up on the job site.
- D. If the UOSH inspector does not reveal the appropriate credentials at the outset of the inspection, the Town Manager should ask the inspector to reveal his or her credentials and should examine them before allowing an inspection of the job site.
- E. The Town Manager should not refuse an inspection of the job site where the inspector does not have a warrant to inspect.
- F. If the credentials are appropriate, and before beginning the inspection, the Town Manager should ask the inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the inspection was due to an employee complaint, the Town Manager should request a copy of the complaint. This will help the Town of Springdale correct any safety problems.
- G. The Town Manager should accompany the inspector during the entire inspection of the job site.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION N: UTAH OSHA REQUIREMENTS**

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#### **3. INSPECTION PROCEDURES - continued**

- H. The Town Manager should take notes throughout the entire inspection. The Town Manager should note every comment and observation made by those participating in the inspection. The Town Manager accompanying the inspector should not volunteer any unsolicited information.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION N: UTAH OSHA REQUIREMENTS**

---

#### **4. ACCIDENT REPORTING PROCEDURES**

- A. Accidents/injuries will be reported as per Section M.4. above.
- B. The Town Manager will investigate any job-related injury in accordance with OSHA guidelines and endeavor to comply with all OSHA reporting requirements.

## **CHAPTER 3 - MANAGEMENT**

### **SECTION O: DISASTER PLANNING**

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From time to time, the Town of Springdale may implement new policies or modify existing policies addressing uniform disaster response planning, suspicious person or assailant threats, telephone bomb threats, mail letter and package bomb threats, and suspicious article threats. All employees are expected to understand and follow these written policies.

## **POLICY STATEMENT AND ACKNOWLEDGMENT**

1. I have received my copy of the Personnel Policies and Procedures Manual, which outlines the policies, practices and benefits of employment with the Town of Springdale. I accept responsibility for informing myself about these policies by reading them and, if necessary, by asking that they be explained to me.
2. Since the information in this Personnel Policies and Procedures Manual is necessarily subject to change, it is understood that the information that I have received may be changed or replaced by other policies and procedures that the Town of Springdale may adopt in the future. I understand and acknowledge that no one has promised me that the Town of Springdale will not change these policies, and understand that the Town of Springdale has reserved the right to change these policies in the future.
3. For Probationary Employees and department managers, I understand and agree that my employment with the Town of Springdale is at-will, meaning that either the Town of Springdale or myself may terminate the employment relationship at any time for any reason. I understand that neither the Town of Springdale nor myself has any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me that my employment will only be terminated for cause, or only for any particular reason, or will only be terminated through some particular process or procedure above, beyond, or in addition to such due process as may be required by Federal or State constitutional and statutory requirements.
4. I understand and agree that no one at the Town of Springdale has authority to offer me employment on terms different from what is stated in this manual, and I understand and agree that no one at the Town of Springdale is authorized to promise in the future that the terms of my employment will be different from what is stated in this manual.

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**Signature of Employee**

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**Printed Name of Employee**

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**Date**

# EXHIBIT 10

## Part 13

### Municipal Officers' and Employees' Ethics Act

#### 10-3-1301 Short title.

This part is known as the "Municipal Officers' and Employees' Ethics Act."

Amended by Chapter 147, 1989 General Session

#### 10-3-1302 Purpose.

The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

Amended by Chapter 438, 2024 General Session

#### 10-3-1303 Definitions.

As used in this part:

- (1)
  - (a) "Appointed officer" means an individual appointed to:
    - (i) a statutory office or position; or
    - (ii) a position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.
  - (b) "Appointed officer" includes an individual serving on a special, regular, or full-time committee, agency, or board, regardless of whether the individual is compensated for the individual's services.
  - (c) "Appointed officer" does not include an elected officer.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to a person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Elected officer" means:
  - (a) an individual elected or appointed to fill a vacancy in the office of mayor, commissioner, or council member; or
  - (b) an individual who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.
- (6) "Improper disclosure" means the disclosure of private, controlled, or protected information to a person who does not have both the right and the need to receive the information.
- (7) "Municipal employee" means an individual who is employed on a full or part-time basis by a municipality or by a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.



- (8) "Officer" means an appointed officer or an elected officer.
- (9) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or another applicable provision of law.
- (10) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 443, 2024 General Session

#### **10-3-1303.5 Statutory construction.**

The definition of appointed officer in Section 10-3-1303 does not have the effect of making an appointed individual or employee an officer of the municipality.

Enacted by Chapter 443, 2024 General Session

#### **10-3-1304 Use of office for personal benefit prohibited.**

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
  - (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; or
  - (b) compensation received for a private service rendered at a rate substantially exceeding the fair market value of the service.
- (2) **Except as provided in Subsection (4), it is an offense for an officer or municipal employee to:**
  - (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or municipal employee's official position or in the course of official duties in order to further substantially the officer's or municipal employee's personal economic interest or to secure special privileges or exemptions for the officer or municipal employee or for others;
  - (b) use or attempt to use the officer's or municipal employee's official position to:
    - (i) further substantially the officer's or municipal employee's personal economic interest; or
    - (ii) secure special privileges for the officer or municipal employee or for others; or
  - (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or municipal employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:
    - (i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
    - (ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (3) Subsection (2)(c) does not apply to:
  - (a) an occasional nonpecuniary gift having a value of less than \$50;
  - (b) an award publicly presented in recognition of public services;
  - (c) any bona fide loan made in the ordinary course of business; or
  - (d) a political campaign contribution.
- (4) This section does not apply to an officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 443, 2024 General Session

**10-3-1305 Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.**

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection (9), it is an offense for an officer who is a member of a municipal body to receive or agree to receive compensation for assisting a person or business entity in a transaction involving the municipality of which the officer is elected or appointed unless the officer:
  - (a) files with the mayor a sworn statement disclosing the information described in Subsection (8);
  - (b) discloses the information described in Subsection (8) in an open meeting to the members of the municipal body of which the officer is a member immediately before the discussion; and
  - (c) for an officer who is an elected officer, files the sworn statement described in Subsection (2)(a) with the city recorder or town clerk.
- (3) It is an offense for an appointed officer who is not a member of a municipal body or a municipal employee to receive or agree to receive compensation for assisting a person or business entity in a transaction involving the municipality by which the appointed officer or municipal employee is employed unless the appointed officer or employee:
  - (a) files with the mayor a sworn statement disclosing the information described in Subsection (8); and
  - (b) discloses the information described in Subsection (8) to:
    - (i) the appointed officer's or municipal employee's immediate supervisor; and
    - (ii) any other municipal officer or employee who may rely on the appointed officer's or municipal employee's representations in evaluating or approving the transaction.
- (4)
  - (a) An officer or municipal employee shall file the sworn statement described in Subsection (2)(a) or (3)(a), as applicable, on or before the earlier of:
    - (i) 10 days before the date on which the officer or municipal employee and the person or business entity being assisted enter into an agreement; or
    - (ii) 10 days before the date on which the officer or municipal employee receives compensation.
- (5) In accordance with Subsection (2)(c), an elected officer shall file the sworn statement with the city recorder or town clerk on or before the earlier of the deadlines described in Subsections (4)(a)(i) and (ii).
- (6) A municipal recorder or town clerk who receives a sworn statement described in Subsection (2)(a) shall:
  - (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (7) The sworn statements described in this section are public information and shall be available for examination by the public.
- (8) The sworn statement and public disclosure described in Subsections (2) and (3) shall contain:
  - (a) the name and address of the officer or municipal employee;
  - (b) the name and address of the person or business entity being or to be assisted or in which the officer or municipal employee has a substantial interest; and
  - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

- (9) This section does not apply to an officer who is a member of a municipal body and who engages in conduct that constitutes a violation of this section to the extent that the officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 443, 2024 General Session

**10-3-1306 Interest in business entity regulated by municipality -- Disclosure statement required.**

- (1) An officer under this part, or a municipal employee, who is an officer, director, agent, or employee or the owner of a substantial interest in a business entity that is subject to the regulation of the municipality in which the officer or municipal employee is elected, appointed, or employed, shall disclose the position held and the nature and value of the officer's or employee's interest:
- (a) upon first becoming appointed, elected, or employed by the municipality; and
  - (b) when the officer's or municipal employee's position in the business entity changes significantly or when the value of the officer's or municipal employee's interest in the entity significantly increases above the officer's or municipal employee's most recent disclosure.
- (2) An officer or municipal employee shall make the disclosure described in Subsection (1) in a sworn statement filed with:
- (a) the mayor; and
  - (b) for an officer who is an elected officer, the city recorder or town clerk.
- (3) The mayor shall:
- (a) report the substance of the sworn statement described in Subsection (2) to the members of the governing body; or
  - (b) provide a copy of the sworn statement to the members of the governing body no later than 30 days after the date on which the mayor receives the statement.
- (4) The municipal recorder or town clerk who receives the sworn statement described in Subsection (2) shall:
- (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (5)
- (a) This section does not apply to an instance where the value of the interest does not exceed \$5,000.
  - (b) A life insurance policy or an annuity may not be considered in determining the value of the interest.

Amended by Chapter 443, 2024 General Session

**10-3-1307 Interest in business entity doing business with municipality -- Disclosure.**

- (1) An officer under this part, or municipal employee, who is an officer, director, agent, employee, or owner of a substantial interest in a business entity that does or anticipates doing business with the municipality in which the officer or municipal employee is appointed, elected, or employed, shall:
- (a) publicly disclose the conflict of interest to the members of the body of which the officer is a member or by which the municipal employee is employed, immediately before any discussion by the municipal body concerning matters relating to the business entity, the nature of the officer's or municipal employee's interest in the business entity; and

- (b) for an officer who is an elected officer, file a sworn statement describing the conflict of interest with the city recorder or town clerk.
- (2) The public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting.
- (3) A city recorder or town clerk who receives the sworn statement described in Subsection (1)(b) shall:
  - (a) post a copy of the sworn statement on the municipality's website; and
  - (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- (4) Disclosure by a municipal employee under this section is satisfied if the municipal employee makes the disclosure in the manner described in Section 10-3-1305 or Section 10-3-1306.

Amended by Chapter 443, 2024 General Session

**10-3-1308 Investment creating conflict of interest with duties -- Disclosure.**

An officer or municipal employee who has a personal interest or investment that creates a conflict between the officer's or municipal employee's personal interests and the officer's or municipal employee's public duties shall disclose the conflict in the manner described in Section 10-3-1306.

Amended by Chapter 443, 2024 General Session

**10-3-1309 Inducing officer or employee to violate part prohibited.**

It is a class A misdemeanor for any person to induce or seek to induce an officer or a municipal employee to violate any of the provisions of this part.

Amended by Chapter 443, 2024 General Session

**10-3-1310 Penalties for violation -- Dismissal from employment or removal from office.**

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is guilty of:

- (1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
- (2) a felony of the third degree if:
  - (a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or
  - (b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;
- (3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or
- (4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Amended by Chapter 147, 1989 General Session

**10-3-1311 Municipal ethics commission -- Complaints charging violations.**

- (1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or a municipal employee subject to this part for a violation of a provision of this part.
- (2)
  - (a) A person filing a complaint for a violation of this part shall file the complaint:
    - (i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or
    - (ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.
  - (b) A municipality that receives a complaint described in Subsection (2)(a) may:
    - (i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or
    - (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
      - (A) regardless of whether the municipality has established a municipal ethics commission; or
      - (B) if the municipality has not established a municipal ethics commission.
- (3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Amended by Chapter 443, 2024 General Session

**10-3-1312 Violation of disclosure requirements -- Penalties -- Rescission of prohibited transaction.**

If a transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- (1) shall dismiss or remove the officer or municipal employee who knowingly and intentionally violates this part from employment or office; and
- (2) may rescind or void a contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Amended by Chapter 443, 2024 General Session

**10-3-1313 Annual conflict of interest disclosure -- City recorder or town clerk -- Posting of written disclosure statement -- Penalties.**

- (1) In addition to any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds the office of mayor, commissioner, or council member:
  - (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
  - (b) submit the written disclosure statement to the city recorder or town clerk.
- (2)
  - (a) No later than 10 business days after the day on which the elected officer submits the written disclosure statement described in Subsection (1) to the city recorder or town clerk, the city recorder or town clerk shall:
    - (i) post an electronic copy of the written disclosure statement on the municipality's website; and
    - (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).

- (b) The city recorder or town clerk shall ensure that the elected officer's written disclosure statement remains posted on the municipality's website until the elected officer leaves office.
- (3) A city recorder or town clerk shall take the action described in Subsection (4) if:
  - (a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or
  - (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the city recorder or town clerk shall, within five days after the day on which the city recorder or town clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
- (5)
  - (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).
  - (b) An elected officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
  - (c) The city recorder or town clerk shall report a violation of Subsection (5)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (5)(b), the city recorder or town clerk shall impose a civil fine of \$100 against an elected officer who violates Subsection (5)(a).
- (6) The city recorder or town clerk shall deposit a fine collected under this section into the municipality's general fund as a dedicated credit to pay for the costs of administering this section.

Enacted by Chapter 443, 2024 General Session

# EXHIBIT 11

**Effective 5/8/2018**

## **Chapter 15**

### **Political Subdivisions Ethics Review Commission**

#### **Part 1**

#### **General Provisions**

##### **63A-15-101 Title.**

This chapter is known as "Political Subdivisions Ethics Review Commission."

Renumbered and Amended by Chapter 461, 2018 General Session

##### **63A-15-102 Definitions.**

- (1) "Commission" means the Political Subdivisions Ethics Review Commission established in Section 63A-15-201.
- (2) "Complainant" means a person who files a complaint in accordance with Section 63A-15-501.
- (3) "Ethics violation" means a violation of:
  - (a) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
  - (b) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
  - (c) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (4) "Local political subdivision ethics commission" means an ethics commission established by a political subdivision within the political subdivision or with another political subdivision by interlocal agreement in accordance with Section 63A-15-103.
- (5) "Political subdivision" means a county, municipality, school district, community reinvestment agency, special district, special service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, a local building authority, or any other governmental subdivision or public corporation.
- (6)
  - (a) "Political subdivision employee" means a person who is:
    - (i)
      - (A) in a municipality, employed as a city manager or non-elected chief executive on a full or part-time basis; or
      - (B) employed as the non-elected chief executive by a political subdivision other than a municipality on a full or part-time basis; and
    - (ii) subject to:
      - (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
      - (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
      - (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
  - (b) "Political subdivision employee" does not include:
    - (i) a person who is a political subdivision officer;
    - (ii) an employee of a state entity; or
    - (iii) a legislative employee as defined in Section 67-16-3.
- (7) "Political subdivision governing body" means:
  - (a) for a county, the county legislative body as defined in Section 68-3-12.5;
  - (b) for a municipality, the council of the city or town;
  - (c) for a school district, the local board of education described in Section 53G-4-201;
  - (d) for a community reinvestment agency, the agency board described in Section 17C-1-203;



- (e) for a special district, the board of trustees described in Section 17B-1-301;
  - (f) for a special service district:
    - (i) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or
    - (ii) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301;
  - (g) for an entity created by an interlocal agreement, the governing body of an interlocal entity, as defined in Section 11-13-103;
  - (h) for a local building authority, the governing body, as defined in Section 17D-2-102, that creates the local building authority; or
  - (i) for any other governmental subdivision or public corporation, the board or other body authorized to make executive and management decisions for the subdivision or public corporation.
- (8)
- (a) "Political subdivision officer" means a person elected in a political subdivision who is subject to:
    - (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
    - (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
    - (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
  - (b) "Political subdivision officer" does not include:
    - (i) a person elected or appointed to a state entity;
    - (ii) the governor;
    - (iii) the lieutenant governor;
    - (iv) a member or member-elect of either house of the Legislature; or
    - (v) a member of Utah's congressional delegation.
- (9) "Respondent" means a person who files a response in accordance with Section 63A-15-604.

Amended by Chapter 16, 2023 General Session

**63A-15-103 Local ethics commission permitted -- Filing requirements.**

- (1) A political subdivision, other than a municipality described in Section 10-3-1311, a county described in Section 17-16a-11, or a school district may establish a local political subdivision ethics commission within the political subdivision to review a complaint against a political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (2) A political subdivision other than a school district may enter into an interlocal agreement with another political subdivision, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, to establish a local political subdivision ethics commission to review a complaint against a political subdivision officer or employee subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (3)
  - (a) A person filing a complaint for an ethics violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, shall file the complaint with:
    - (i) a local political subdivision ethics commission, if the political subdivision has established a local political subdivision ethics commission under Subsection (1) or (2); or
    - (ii) the commission if the political subdivision has not established a local political subdivision ethics commission or is a school district.
  - (b) A political subdivision that receives a complaint described in Subsection (3)(a) may:

- (i) accept the complaint if the political subdivision has established a local political subdivision ethics commission in accordance with Subsection (1) or (2); or
- (ii) forward the complaint to the commission:
  - (A) regardless of whether the political subdivision has established a local political subdivision ethics commission;
  - (B) if the political subdivision has not established a local political subdivision ethics commission; or
  - (C) if the complaint is regarding a member of a local school board as defined in Section 53E-1-102.

Amended by Chapter 378, 2023 General Session

## **Part 2**

### **Political Subdivisions Ethics Review Commission**

#### **63A-15-201 Commission established -- Membership.**

- (1) There is established a **Political Subdivisions Ethics Review Commission**.
- (2) The commission is composed of seven individuals, each of whom is registered to vote in this state and appointed by the governor with the advice and consent of the Senate, as follows:
  - (a) one member who has served, but no longer serves, as a judge of a court of record in this state;
  - (b) one member who has served as a mayor or municipal council member no more recently than four years before the date of appointment;
  - (c) one member who has served as a member of a local board of education no more recently than four years before the date of appointment;
  - (d) two members who are lay persons; and
  - (e) two members, each of whom is one of the following:
    - (i) a municipal mayor no more recently than four years before the date of appointment;
    - (ii) a municipal council member no more recently than four years before the date of appointment;
    - (iii) a county mayor no more recently than four years before the date of appointment;
    - (iv) a county commissioner no more recently than four years before the date of appointment;
    - (v) a special service district administrative control board member no more recently than four years before the date of appointment;
    - (vi) a special district board of trustees member no more recently than four years before the date of appointment; or
    - (vii) a judge who has served, but no longer serves, as a judge of a court of record in this state.
- (3)
  - (a) A member of the commission may not, during the member's term of office on the commission, act or serve as:
    - (i) a political subdivision officer;
    - (ii) a political subdivision employee;
    - (iii) an agency head as defined in Section 67-16-3;
    - (iv) a lobbyist as defined in Section 36-11-102; or
    - (v) a principal as defined in Section 36-11-102.

- (b) In addition to the seven members described in Subsection (2), the governor shall, with the advice and consent of the Senate, appoint one individual as an alternate member of the commission who:
  - (i) may be a lay person;
  - (ii) shall be registered to vote in the state; and
  - (iii) complies with the requirements described in Subsection (3)(a).
- (c) The alternate member described in Subsection (3)(b):
  - (i) shall serve as a member of the commission in the place of one of the seven members described in Subsection (2) if that member is temporarily unable or unavailable to participate in a commission function or is disqualified under Section 63A-15-303; and
  - (ii) may not cast a vote on the commission unless the alternate member is serving in the capacity described in Subsection (3)(c)(i).
- (4)
  - (a)
    - (i) Except as provided in Subsection (4)(a)(ii), each member of the commission shall serve a four-year term.
    - (ii) When appointing the initial members upon formation of the commission, a member described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that approximately half of the commission is appointed every two years.
  - (b)
    - (i) When a vacancy occurs in the commission's membership for any reason, a replacement member shall be appointed for the unexpired term of the vacating member using the procedures and requirements described in Subsection (2) or (3)(b), as applicable.
    - (ii) For the purposes of this section, an appointment for an unexpired term of a vacating member is not considered a full term.
  - (c) A member may not be appointed to serve for more than two full terms, whether those terms are two or four years.
  - (d) A member of the commission may resign from the commission by giving one month's written notice of the resignation to the governor.
  - (e) The governor shall remove a member from the commission if the member:
    - (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;
    - (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral turpitude; or
    - (iii) fails to meet the qualifications of office as provided in this section.
  - (f)
    - (i) If a commission member is accused of wrongdoing in a complaint, or if a commission member has a conflict of interest in relation to a matter before the commission:
      - (A) the alternate member described in Subsection (3)(b) shall serve in the member's place for the purposes of reviewing the complaint; or
      - (B) if the alternate member has already taken the place of another commission member or is otherwise not available, the commission shall appoint another individual to temporarily serve in the member's place for the purposes of reviewing the complaint.
    - (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):
      - (A) is not required to be confirmed by the Senate;
      - (B) may be a lay person;
      - (C) shall be registered to vote in the state; and
      - (D) shall comply with Subsection (3)(a).
- (5)

- (a) Except as provided in Subsection (5)(b)(i), a member of the commission may not receive compensation or benefits for the member's service.
- (b)
  - (i) A member may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
  - (ii) A member may decline to receive per diem and expenses for the member's service.
- (6) The commission members shall, by a majority vote, elect a commission chair from among the commission members.

Amended by Chapter 529, 2024 General Session

**63A-15-202 Meetings -- Staff -- Legal counsel -- Additional appropriations.**

- (1) The commission shall meet for the purpose of reviewing an ethics complaint when:
  - (a) except otherwise expressly provided in this chapter, called to meet at the discretion of the chair; or
  - (b) a majority of members agree to meet.
- (2) A majority of the commission is a quorum.
- (3)
  - (a) The commission shall prepare, on an annual basis, a summary data report that contains:
    - (i) a general description of the activities of the commission during the past year;
    - (ii) the number of ethics complaints filed with the commission;
    - (iii) the number of ethics complaints dismissed in accordance with Section 63A-15-602;
    - (iv) the number of ethics complaints reviewed by the commission in accordance with Section 63A-15-701;
    - (v) an executive summary of each complaint review in accordance with Section 63A-15-701; and
    - (vi) an accounting of the commission's budget and expenditures.
  - (b) The commission shall submit the summary data report to the governor on an annual basis.
  - (c) The summary data report shall be a public record.
- (4)
  - (a) The commission shall employ staff at a level that is reasonable to assist the commission in performing its duties as established in this chapter.
  - (b) Staff for the commission may not perform services for a political subdivision.
  - (c) A person employed as staff for the commission may be the same person employed as staff for the Independent Legislative Ethics Commission, if the staff ensures that proper protections are in place to preserve the confidentiality to both bodies and to avoid a conflict of interest.
- (5) A meeting held by the commission is subject to Title 52, Chapter 4, Open and Public Meetings Act, unless otherwise provided.
- (6) The commission:
  - (a) is an independent entity established within the department for budgetary and general administrative purposes only;
  - (b) is not under the direction or control of the department, the executive director, or any other officer or employee of the department;
  - (c) shall employ a director to provide administrative support to the commission and to assist the commission in fulfilling the commission's duties;
  - (d) may employ additional staff, to work under the direction of the director;

- (e) shall contract with private legal counsel to provide legal services to the commission, as needed; and
- (f) may, in consultation with the Office of the Legislative Fiscal Analyst, request supplemental appropriations to pay the costs of legal fees and other staffing needs that exceed the commission's budget due to the number or complexity of the ethics complaints filed with or considered by the commission in a fiscal year.

Renumbered and Amended by Chapter 461, 2018 General Session

### **Part 3**

#### **General Powers and Procedures**

#### **63A-15-301 Authority to review complaint -- Grounds for complaint -- Limitations on filings.**

- (1) Subject to the requirements of this chapter and Section 10-3-1311 or 17-16a-11, the commission is authorized to review an ethics complaint against a political subdivision officer or employee if the complaint alleges:
  - (a) if the applicable political subdivision is a municipality, an ethics violation of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act by:
    - (i) a city manager or non-elected chief executive; or
    - (ii) an elected officer, as defined in Section 10-3-1303;
  - (b) if the applicable political subdivision is a county, an ethics violation of Title 17, Chapter 16a, County Officers and Employees Disclosure Act by:
    - (i) an appointed officer, as defined in Section 17-16a-3;
    - (ii) an elected officer, as defined in Section 17-16a-3; or
    - (iii) an employee subject to Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
  - (c) for a political subdivision officer or employee other than a municipal officer or employee described in Subsection (1)(a) or a county officer or employee described in Subsection (1)(b), an ethics violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- (2) A complaint described in Subsection (1) shall be filed in accordance with the time limit provisions, if any, of the applicable part or chapter.
- (3)
  - (a) A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by a municipal ethics commission established under Section 10-3-1311, a county ethics commission established under Section 17-16a-11, or a local political subdivision ethics commission established under Section 63A-15-103, as applicable, or the commission unless:
    - (i) the allegation was previously reviewed and dismissed by the commission under Section 63A-15-602 or 63A-15-701;
    - (ii) the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission; and
    - (iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission in accordance with Section 63A-15-701 on one previous occasion.
  - (b) The commission may not review a complaint that is currently before:
    - (i) a municipal ethics commission established under Section 10-3-1311;

- (ii) a county ethics commission established under Section 17-16a-11; or
- (iii) a local political subdivision ethics commission established under Section 63A-15-103.
- (c) If an allegation in the complaint does not comply with the requirements of Subsection (3)(a) or (b), the allegation shall be summarily dismissed with prejudice by:
  - (i) the chair when reviewing the complaint under Section 63A-15-601; or
  - (ii) the commission, when reviewing the complaint under Section 63A-15-602 or 63A-15-701.
- (4) A complaint against a political subdivision officer or employee may not allege a violation by the political subdivision officer or employee for an act by an individual under the authority of the political subdivision officer or employee, unless the complaint evidences that the political subdivision officer or employee:
  - (a) encouraged, condoned, or ordered the act;
  - (b)
    - (i) before the individual engaged in the act, knew or should have known that the individual was likely to engage in the act; and
    - (ii) failed to take appropriate action to prevent the act;
  - (c)
    - (i) while the individual engaged in the act, knew or should have known that the individual was engaging in the act; and
    - (ii) failed to take appropriate action to stop the act; or
  - (d)
    - (i) after the individual engaged in the act, knew or should have known that the individual engaged in the act; and
    - (ii) failed to take appropriate action in response to the act.
- (5) A complaint against a political subdivision officer or employee may not allege a violation by the political subdivision officer or employee for an individual under the authority of the political subdivision officer or employee failing to act, unless the complaint evidences that the political subdivision officer or employee:
  - (a) encouraged, condoned, or ordered the failure to act;
  - (b)
    - (i) before the individual failed to act, knew or should have known that the individual was likely to fail to act; and
    - (ii) failed to take appropriate action to prevent the failure to act;
  - (c)
    - (i) while the individual was failing to act, knew or should have known that the individual was failing to act; and
    - (ii) failed to take appropriate action to prevent the failure to act; or
  - (d)
    - (i) after the individual failed to act, knew or should have known that the individual failed to act; and
    - (ii) failed to take appropriate action in response to the failure to act.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-302 General powers -- Jurisdiction.**

- (1) The commission has jurisdiction only over an individual who is a political subdivision officer or employee.
- (2) The commission shall dismiss an ethics complaint if:
  - (a) the respondent resigns or is terminated from the political subdivision; or

- (b) except as provided in Subsection (3):
  - (i) the respondent is charged with a criminal violation of:
    - (A) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
    - (B) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
    - (C) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
  - (ii) the facts and allegations presented in the ethics complaint assert the same or similar facts and allegations as those asserted in the criminal charges.
- (3) If an ethics complaint asserts an ethics violation in addition to a criminal violation described in Subsection (2)(b), the commission shall:
  - (a) dismiss an allegation described in Subsection (2)(b)(ii); and
  - (b) proceed with any remaining allegation in the complaint.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-303 Motion to disqualify commission member for conflict of interest.**

- (1) A complainant may file a motion to disqualify one or more members of the commission from participating in proceedings relating to the complaint if the individual files the motion within 20 days after the later of:
  - (a) the day on which the individual files the ethics complaint; or
  - (b) the day on which the individual knew or should have known of the grounds upon which the motion is based.
- (2) A respondent may file a motion to disqualify one or more members of the commission from participating in proceedings relating to the complaint if the respondent files the motion within 20 days after the later of:
  - (a) the day on which the respondent receives delivery of the complaint; or
  - (b) the day on which the respondent knew or should have known of the grounds upon which the motion is based.
- (3) A motion filed under this section shall include:
  - (a) a statement that the members to whom the motion relates have a conflict of interest that, under the circumstances, would lead a reasonable person to question the impartiality of the members;
  - (b) a detailed description of the grounds supporting the statement described in Subsection (3)(a); and
  - (c) a statement that the motion is filed in good faith, supported by an affidavit or declaration under penalty of Title 78B, Chapter 18a, Uniform Unsworn Declarations Act, stating that the motion and all accompanying statements and documents are true and correct to the best of the complainant's or respondent's knowledge.
- (4) A party may not file more than one motion to disqualify, unless the second or subsequent motion:
  - (a) is based on grounds of which the party was not aware, and could not have been aware, at the time of the earlier motion; and
  - (b) is accompanied by a statement, included in the affidavit or declaration described in Subsection (3)(c), explaining how and when the party first became aware of the grounds described in Subsection (4)(a).
- (5) The commission shall dismiss a motion filed under this section, with prejudice, if the motion:
  - (a) is not timely filed; or
  - (b) does not comply with the requirements of this section.
- (6) A member of the commission may:

- (a) on the member's own motion, disqualify the member from participating in proceedings relating to a complaint if the member believes that the member has a conflict of interest that, under the circumstances, would lead a reasonable person to question the impartiality of the member; or
  - (b) ask the commission to disqualify another member of the commission if the member believes that the member has a conflict of interest that, under the circumstances, would lead a reasonable person to question the impartiality of the member.
- (7)
- (a) When a party files a motion under this section, or a when commission member makes a request under Subsection (6)(b), the commission member for whom disqualification is sought may make the initial determination regarding whether the commission member has a conflict of interest.
  - (b) If a commission member described in Subsection (7)(a) determines that the commission member has a conflict of interest, the commission member shall disqualify the commission member from participating in the matter.
  - (c) If a commission member described in Subsection (7)(a) determines that the commission member does not have a conflict of interest, or declines to make the determination, the remainder of the commission shall, by majority vote, determine whether the commission member has a conflict of interest.
  - (d) A vote of the commission, under Subsection (7)(c), constitutes a final decision on the issue of a conflict of interest.
- (8) In making a determination under Subsection (7)(c), the commission may:
- (a) gather additional evidence;
  - (b) hear testimony; or
  - (c) request that the commission member who is the subject of the motion or request file an affidavit or declaration responding to questions posed by the commission.

Amended by Chapter 136, 2019 General Session

## **Part 4**

### **Hearing on Ethics Complaint**

#### **63A-15-401 Hearing on ethics complaint -- General procedures.**

- (1) In conducting a hearing on a complaint in accordance with Part 7, Commission Review of Ethics Violation, the commission shall comply with the following process in the order specified:
- (a) introduction and instructions for procedure and process, at the discretion of the chair;
  - (b) complainant's opening argument, to be presented by a complainant or complainant's counsel;
  - (c) complainant's presentation of evidence and witnesses in support of allegations in the complaint;
  - (d) consideration of motions to dismiss the complaint or motions for a finding of no cause, as applicable;
  - (e) respondent's opening argument, to be presented by the respondent or respondent's counsel;
  - (f) respondent's presentation of evidence and witnesses refuting allegations in the complaint;
  - (g) presentation of rebuttal evidence and witnesses by the complainant, at the discretion of the chair;



- (h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;
  - (i) complainant's closing argument, to be presented by a complainant or complainant's counsel;
  - (j) respondent's closing argument, to be presented by the respondent or respondent's counsel;
  - (k) deliberations by the commission; and
  - (l) adoption of the commission's findings.
- (2) The commission may, in extraordinary circumstances, vary the order contained in Subsection (1) by majority vote and by providing notice to the parties.
- (3) The chair may schedule the examination of a witness or evidence subpoenaed at the request of the chair or the commission under Section 63A-15-403 at the chair's discretion.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-402 Chair as presiding officer.**

- (1) Except as expressly provided otherwise in this chapter, the chair of the commission is vested with the power to direct the commission during meetings authorized by this chapter.
- (2) Unless expressly prohibited from doing so under this chapter, the commission may overrule a decision of the chair by using the following procedure:
- (a) If a member objects to a decision of the chair, that member may appeal the decision by stating:
    - (i) "I appeal the decision of the chair."; and
    - (ii) the basis for the objection.
  - (b) A motion described in Subsection (2)(a) is nondebatable.
  - (c) The chair shall direct a roll call vote to determine if the commission supports the decision of the chair.
  - (d) A majority vote of the commission is necessary to overrule the decision of the chair.
- (3) The chair may set time limitations on any part of a meeting or hearing authorized by this chapter.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-403 Subpoena powers.**

- (1) Except for a preliminary review described in Section 63A-15-602, for a proceeding authorized by this chapter, the commission may issue a subpoena to:
- (a) require the attendance of a witness;
  - (b) direct the production of evidence; or
  - (c) require both the attendance of a witness and the production of evidence.
- (2) The commission shall issue a subpoena:
- (a) in accordance with Section 63A-15-405;
  - (b) at the direction of the commission chair, if the chair determines that the testimony or evidence is relevant to the review of a complaint under Part 7, Commission Review of Ethics Violation; or
  - (c) upon a vote of a majority of the commission members.
- (3) If the commission issues a subpoena authorized under this section, the commission shall give a reasonable period of time for the person or entity to whom the subpoena is directed to petition a district court to quash or modify the subpoena before the time specified in the subpoena for compliance.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-404 Contempt of the commission.**

- (1)
  - (a) The following actions constitute contempt of the commission in relation to actions and proceedings under this chapter:
    - (i) disobedience to a direction of the commission chair;
    - (ii) failure, without legal justification, to answer a question during a hearing when directed to do so by:
      - (A) the commission chair, unless the direction is overridden by the commission in accordance with Section 63A-15-402; or
      - (B) a majority of the commission;
    - (iii) failure to comply with a subpoena or other order issued under authority of this chapter;
    - (iv) violation of privacy provisions established by Section 63A-15-502;
    - (v) violation of the communication provisions established by Section 63A-15-407;
    - (vi) violation of a request to comply with a provision of this chapter by a chair or a majority of the members of the commission; or
    - (vii) any other ground that is specified in statute or recognized by common law.
  - (b) Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.
- (2)
  - (a) The following persons may authorize an enforcement action against a person in contempt of the commission under the provisions of this chapter:
    - (i) the commission chair, subject to the provisions of Section 63A-15-402; or
    - (ii) members of the commission, by means of a majority vote.
  - (b) In initiating and pursuing an action against an individual for contempt of the commission, the plaintiff shall comply with the procedures and requirements of Section 63A-15-405.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-405 Order to compel -- Enforcement.**

- (1)
  - (a) When the subject of a subpoena issued in accordance with Section 63A-15-403 disobeys or fails to comply with the subpoena, or if a person appears before the commission pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, the commission may:
    - (i) file a motion for an order to compel obedience to the subpoena with the district court within the jurisdiction of the applicable political subdivision;
    - (ii) file, with the district court, a motion for an order to show cause why the penalties established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the commission; or
    - (iii) pursue other remedies against persons in contempt of the commission.
  - (b)
    - (i) Upon receipt of a motion under this section, the court shall expedite the hearing and decision on the motion.
    - (ii) A court may:

- (A) order the person named in the subpoena to comply with the subpoena; and
  - (B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt of the commission.
- (2)
- (a) If a commission subpoena requires the production of accounts, books, papers, documents, or other tangible things, the person or entity to whom the subpoena is directed may petition a district court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.
  - (b) The commission may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (1).
  - (c) If the court finds that a commission subpoena requiring the production of accounts, books, papers, documents, or other tangible things is unreasonable or oppressive, the court may quash or modify the subpoena.
- (3) Nothing in this section prevents the commission from seeking an extraordinary writ to remedy contempt of the commission.
- (4) Any party aggrieved by a decision of a court under this section may appeal that action directly to the Utah Supreme Court.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-406 Testimony and examination of witnesses -- Oath -- Procedure -- Contempt.**

- (1)
- (a) The chair shall ensure that each witness listed in the complaint and response is subpoenaed for appearance at the hearing unless:
    - (i) the witness is unable to be properly identified or located; or
    - (ii) service is otherwise determined to be impracticable.
  - (b) The chair shall determine the scheduling and order of witnesses and presentation of evidence.
  - (c) The commission may, by majority vote:
    - (i) overrule the chair's decision not to subpoena a witness under Subsection (1)(a);
    - (ii) modify the chair's determination on the scheduling and order of witnesses under Subsection (1)(b);
    - (iii) decline to hear or call a witness that has been requested by the complainant or respondent;
    - (iv) decline to review or consider evidence submitted in relation to an ethics complaint; or
    - (v) request and subpoena witnesses or evidence according to the procedures of Section 63A-15-403.
- (2)
- (a) Each witness shall testify under oath.
  - (b) The chair or the chair's designee shall administer the oath to each witness.
- (3) After the oath has been administered to the witness, the chair shall direct testimony as follows:
- (a) allow the party that has called the witness, or that party's counsel, to question the witness;
  - (b) allow the opposing party, or that party's counsel, to cross-examine the witness;
  - (c) allow additional questioning by a party or a party's counsel as appropriate;
  - (d) give commission members the opportunity to question the witness; and
  - (e) as appropriate, allow further examination of the witness by the commission, or the parties or their counsel.
- (4)
- (a) If the witness, a party, or a party's counsel objects to a question, the chair shall:

- (i) direct the witness to answer; or
    - (ii) rule that the witness is not required to answer the question.
  - (b) If the witness declines to answer a question after the chair or a majority of the commission determines that the witness is required to answer the question, the witness may be held in contempt as provided in Section 63A-15-404.
- (5)
- (a) The chair or a majority of the members of the commission may direct a witness to furnish any relevant evidence for consideration if the witness has brought the material voluntarily or has been required to bring it by subpoena.
  - (b) If the witness declines to provide evidence in response to a subpoena, the witness may be held in contempt as provided in Section 63A-15-404.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-407 Communications of commission members.**

- (1) As used in this section, "third party" means a person who is not a member of the commission or staff to the commission.
- (2) While a complaint is under review by the commission, a member of the commission may not initiate or consider any communications concerning the complaint with a third party unless:
  - (a) the communication is expressly permitted under the procedures established by this chapter; or
  - (b) the communication is made by the third party, in writing, simultaneously to:
    - (i) all members of the commission; and
    - (ii) a staff member of the commission.
- (3) While the commission is reviewing a complaint under this chapter, a commission member may communicate outside of a meeting, hearing, or deliberation with another member of, or staff to, the commission, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-408 Attorney fees and costs.**

- (1) A person filing a complaint under this chapter:
  - (a) may, but is not required to, retain legal representation during the complaint review process; and
  - (b) is responsible for payment of complainant's attorney fees and costs incurred.
- (2)
  - (a) A respondent against whom a complaint is filed under this chapter:
    - (i) may, but is not required to, retain legal representation during the complaint review process;
    - (ii) except as provided in Subsection (2)(a)(iii), is responsible for payment of the respondent's attorney fees and costs incurred; and
    - (iii) may be entitled to the provision of legal defense by the political subdivision in accordance with Section 63G-7-902.
  - (b) For purposes of Subsection (2)(a)(iii), a complaint filed against a respondent in accordance with this chapter shall constitute an action against a governmental employee in accordance with Section 63G-7-902.
- (3)

- (a) An attorney participating in a hearing before the commission shall comply with:
  - (i) the Rules of Professional Conduct established by the Utah Supreme Court;
  - (ii) the procedures and requirements of this chapter; and
  - (iii) the directions of the chair and commission.
- (b) A violation of Subsection (3)(a) may constitute:
  - (i) contempt of the commission under Section 63A-15-404; or
  - (ii) a violation of the Rules of Professional Conduct subject to enforcement by the Utah State Bar.

Renumbered and Amended by Chapter 461, 2018 General Session

## **Part 5**

### **Complaint of Ethics Violation**

#### **63A-15-501 Ethics complaints -- Who may file -- Form.**

- (1)
  - (a) Notwithstanding any other provision, the following may file a complaint, subject to the requirements of Subsections (1)(b) and (c) and Section 63A-15-301, against a political subdivision officer or employee:
    - (i) two or more registered voters who reside within the boundaries of a political subdivision;
    - (ii) two or more registered voters who pay a fee or tax to a political subdivision; or
    - (iii) one or more registered voters who reside within the boundaries of a political subdivision and one or more registered voters who pay a fee or tax to the political subdivision.
  - (b) A person described in Subsection (1)(a) may not file a complaint unless at least one person described in Subsection (1)(a)(i), (ii), or (iii) has actual knowledge of the facts and circumstances supporting the alleged ethics violation.
  - (c) A complainant may file a complaint only against an individual who, on the date that the complaint is filed, is serving as a political subdivision officer or is a political subdivision employee.
- (2)
  - (a) The commission shall post, on the state's website, a conspicuous and clearly identified link to the name and address of an individual authorized to accept a complaint on behalf of the commission.
  - (b) A complainant shall file a complaint with the individual described in Subsection (2)(a).
  - (c) An individual may not file a complaint during the 60 calendar days immediately preceding:
    - (i) a regular primary election, if the accused political subdivision officer is a candidate in the primary election; or
    - (ii) a regular general election in which an accused political subdivision officer is a candidate, unless the accused political subdivision officer is unopposed in the election.
- (3) A complainant shall ensure that each complaint filed under this section is in writing and contains the following information:
  - (a) the name and position of the political subdivision officer or employee alleged to be in violation;
  - (b) the name, address, and telephone number of each individual who is filing the complaint;
  - (c) a description of each alleged ethics violation, as applicable of:
    - (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
    - (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

- (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- (d) include for each alleged ethics violation:
  - (i) a reference to the section of the code alleged to have been violated;
  - (ii) the name of the complainant who has actual knowledge of the facts and circumstances supporting each allegation; and
  - (iii) with reasonable specificity, the facts and circumstances supporting each allegation, which shall be provided by:
    - (A) copies of official records or documentary evidence; or
    - (B) one or more affidavits that include the information required in Subsection (4);
- (e) a list of the witnesses that a complainant wishes to have called, including for each witness:
  - (i) the name, address, and, if available, one or more telephone numbers of the witness;
  - (ii) a brief summary of the testimony to be provided by the witness; and
  - (iii) a specific description of any documents or evidence a complainant desires the witness to produce;
- (f) a statement that each complainant:
  - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
  - (ii) believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and
  - (iii) believes the allegations contained in the complaint to be true and accurate; and
- (g) the signature of each complainant.
- (4) An affidavit described in Subsection (3)(d)(iii)(B) shall include:
  - (a) the name, address, and telephone number of the signer;
  - (b) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
  - (c) the facts and circumstances testified by the signer;
  - (d) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
  - (e) the signature of the signer.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-502 Privacy of ethics complaint -- Contempt -- Enforcement of finding of contempt -- Dismissal.**

- (1)
  - (a) Except as otherwise provided in this chapter, a person, including a complainant, the respondent, a commission member, or staff to the commission, may not disclose the existence of a complaint, a response, nor any information concerning any alleged ethics violation that is the subject of a complaint.
  - (b) The restrictions in Subsection (1)(a) do not apply to:
    - (i) the respondent's voluntary disclosure of a finding by the commission that no allegations in a complaint were proved after that finding is issued by the commission under the procedures and requirements of Section 63A-15-602;
    - (ii) this disclosure of facts or allegations about potential criminal violations to a law enforcement authority;

- (iii) a disclosure by a respondent that is made solely for the purpose of, and only to the extent necessary for, retaining counsel, conducting an interview, seeking evidence, or taking other action to prepare to defend against a complaint;
  - (iv) a communication between a commission member and the commission's attorney or a member of the commission's staff; or
  - (v) a disclosure to a person that is determined necessary, by a majority vote of the commission, to conduct the duties of the commission.
- (2) When a person makes a disclosure under Subsection (1)(b)(iii) or (v), the person making the disclosure shall inform the person to whom the disclosure is made of the nondisclosure requirements described in this section.
- (3) After the commission issues an order under Subsection 63A-15-704(2), the commission may disclose the portion of the complaint, a response, and other information relating to an alleged ethics violation that the commission determines is proved.
- (4) A person who violates the provisions of Subsection (1)(a) is in contempt of the commission and proceedings may be initiated to enforce the finding of contempt using the procedures provided in Sections 63A-15-404 and 63A-15-405.
- (5) If, before the commission issues an order in relation to an ethics complaint under Section 63A-15-704, the existence of the ethics complaint is publicly disclosed by a person other than the respondent, an agent of the respondent, or a person who learns of the complaint under Subsection (1)(b)(iii) or (v), the commission shall summarily dismiss the complaint without prejudice.

Renumbered and Amended by Chapter 461, 2018 General Session

## **Part 6**

### **Review of Complaint**

#### **63A-15-601 Review of ethics complaint for compliance with form requirements -- Independent requirements for complaint -- Notice.**

- (1) Within 10 business days after receipt of a complaint, the staff of the commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with Sections 63A-15-301 and 63A-15-501.
- (2)
- (a) If the chair determines that the complaint does not comply with Sections 63A-15-301 and 63A-15-501, the chair shall:
    - (i) return the complaint to the first complainant named on the complaint with:
      - (A) a statement detailing the reason for the non-compliance; and
      - (B) a copy of the applicable provisions in this chapter; and
    - (ii) notify the applicable political subdivision governing body that:
      - (A) a complaint was filed against an unidentified political subdivision officer or employee but was returned for non-compliance with this chapter; and
      - (B) the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by Section 63A-15-202.
  - (b) If a complaint is returned for non-compliance with the requirements of this chapter, a complainant may file another complaint if the new complaint independently meets the

requirements of Sections 63A-15-301 and 63A-15-501, including any requirements for timely filing.

- (3) If the chair determines that the complaint complies with the requirements of this section, the chair shall:
- (a) accept the complaint;
  - (b) notify each member of the commission that the complaint has been filed and accepted;
  - (c) notify the applicable political subdivision that:
    - (i) a complaint has been filed against an unidentified political subdivision officer or employee;
    - (ii) the identity of the political subdivision officer or employee and the allegations raised in the complaint are confidential pending the commission's preliminary review of the complaint; and
    - (iii) the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint via:
      - (A) notice of the commission's review of a complaint in accordance with Section 63A-15-701; or
      - (B) submission of the commission's annual summary data report as required in Section 63A-15-202; and
  - (d) promptly forward the complaint to the political subdivision officer or employee who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with a copy of this chapter and notice of the officer's or employee's deadline for filing a response to the complaint if the complaint is not dismissed under Section 63A-15-602.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-602 Preliminary review of complaint -- Standard of proof -- Notice.**

- (1)
- (a) By no later than 10 calendar days after the day on which a complaint is accepted under Section 63A-15-601, the commission chair shall:
    - (i) schedule a commission meeting on a date no later than 60 calendar days after the date on which the commission accepts the complaint;
    - (ii) place the complaint on the agenda for consideration at the meeting;
    - (iii) provide a copy of the complaint to the members; and
    - (iv) provide notice of the date, time, and location of the meeting:
      - (A) to the respondent;
      - (B) the first complainant named in the complaint;
      - (C) each commission member; and
      - (D) in accordance with Section 52-4-202.
  - (b) The meeting described in Subsection (1)(a)(ii) is closed to the public in accordance with Section 52-4-204.
- (2)
- (a) At the meeting described in Subsection (1)(a)(i):
    - (i) the commission members shall review each allegation in the complaint;
    - (ii) the commission may not receive testimony, hear a motion from a party, or admit evidence; and
    - (iii) the chair shall conduct deliberations.
  - (b) The commission may, if necessary:
    - (i) request a formal response or affidavit from a respondent; and



- (ii) review the response or affidavit at the meeting.
- (c) Upon a motion made by a commission member, the commission may exclude commission staff from all or a portion of the deliberations by a majority vote.
- (3)
  - (a) During deliberations, each commission member shall, for each allegation, determine:
    - (i) whether the facts alleged, if true, would be an ethics violation;
    - (ii) whether the complaint includes an affidavit from a person with firsthand knowledge of alleged facts described in Subsection (3)(a)(i); and
    - (iii) whether the complaint is frivolous or solely for a political purpose.
  - (b) A commission member shall vote to forward an allegation in a complaint for a final commission review in accordance with Part 7, Commission Review of Ethics Violation, if the commission member determines:
    - (i) an allegation, if true, would be an ethics violation;
    - (ii) the complaint contains an affidavit with firsthand knowledge of the allegation under Subsection (3)(a)(ii); and
    - (iii) the allegation is not frivolous or solely for a political purpose.
- (4)
  - (a) A verbal roll call vote shall be taken on each allegation and each member's vote shall be recorded.
  - (b) The commission may not review an allegation for a final determination under Part 7, Commission Review of Ethics Violation, unless six of the seven members of the commission vote to review the allegation.
- (5)
  - (a) An allegation that is not forwarded for a final determination is dismissed.
  - (b) Before the commission issues an order in accordance with this section, the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.
  - (c) A motion to reconsider a vote may only be made by a member of the commission who voted that the allegation should not be forwarded for a final determination.
- (6)
  - (a) If each allegation stated in a complaint is dismissed in accordance with this section, the commission shall:
    - (i) issue and enter into the record an order that the complaint is dismissed because no allegations, in accordance with this section, were forwarded for a final determination;
    - (ii) classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Section 63G-2-302;
    - (iii) provide notice of the determination, in a manner determined by the chair, to:
      - (A) the respondent;
      - (B) the first complainant named on the complaint; and
      - (C) subject to Subsection (6)(b), the appropriate political subdivision; and
    - (iv) provide notice to each person or entity named in Subsections (6)(a)(iii)(A) through (C) that, under provisions of Section 63A-15-502 and other provisions of this chapter, a person who discloses the findings of the commission in violation of any provision of this chapter is in contempt of the commission and is subject to penalties for contempt.
  - (b) The notification to the appropriate political subdivision shall notify the political subdivision that:
    - (i) a complaint against an unidentified political subdivision officer or employee has been dismissed; and

- (ii) the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint via submission of the commission's annual summary data report as required in Section 63A-15-202.
- (7) If one or more of the allegations stated in a complaint are not dismissed in accordance with this section, the commission shall:
  - (a) issue and enter into the record:
    - (i) an order for each allegation that is dismissed, if any, because the allegation was not forwarded for a final determination; and
    - (ii) an order for further review under Part 7, Commission Review of Ethics Violation, of each allegation that is not dismissed;
  - (b) classify all recordings, orders, findings, and other records or documents directly relating to a meeting authorized by this section as private records under Section 63G-2-302;
  - (c) if an allegation was dismissed, provide notice of the determination for each allegation dismissed in a manner determined by the chair, to:
    - (i) the respondent;
    - (ii) the first complainant named on the complaint; and
    - (iii) subject to Subsection (8), the appropriate political subdivision; and
  - (d) provide notice to each person or entity named in Subsections (7)(c)(i) through (iii) that:
    - (i) under provisions of Section 63A-15-502 and other provisions of this chapter, a person who discloses the findings of the commission under this section in violation of any provision of this chapter is in contempt of the commission and is subject to penalties for contempt; and
    - (ii) the commission shall review the remaining allegations in the complaint at a meeting described in Section 63A-15-603 and in accordance with Part 7, Commission Review of Ethics Violation.
- (8) The notification to the appropriate political subdivision shall notify the political subdivision that:
  - (a) an unspecified allegation in a complaint against an unidentified political subdivision officer or employee has been dismissed; and
  - (b) the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint in accordance with the provisions of this chapter.
- (9) For a complaint described in Subsection (7), the commission members shall ensure that, within five business days after the day of the meeting described in Subsection (1)(a)(ii), the complaint is redacted to remove references to an allegation that is dismissed under this section.
- (10) The chair shall ensure that a record of the meeting held under this section is kept in accordance with Section 63A-15-702.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-603 Meeting of the commission to review a complaint -- Procedures.**

By no later than 10 calendar days after the day on which a complaint is accepted under Section 63A-15-602 for further review, the commission chair shall:

- (1) schedule a commission meeting on a date no later than 60 calendar days after the date on which the commission votes to forward a complaint for final determination in accordance with Section 63A-15-602;
- (2) place the complaint on the agenda for consideration at the meeting described in Subsection (1);
- (3) provide notice of the date, time, and location of the meeting:
  - (a) to:
    - (i) the members of the commission;
    - (ii) the first complainant named in the complaint; and

- (iii) the respondent; and
- (b) in accordance with Section 52-4-202; and
- (4) provide a copy of the complaint or redacted complaint, as required in Section 63A-15-602, to each member of the commission.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-604 Response to ethics complaint -- Filing -- Form.**

- (1) The political subdivision officer or employee who is the subject of the complaint may file a response to the complaint no later than 30 days after the day on which the officer or employee receives delivery of an order issued by the commission under Subsection 63A-15-602(7).
- (2) The respondent shall file the response with the commission and ensure that the response is in writing and contains the following information:
  - (a) the name, address, and telephone number of the respondent;
  - (b) for each alleged ethics violation in the complaint:
    - (i) each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense to be provided by one or more affidavits, each of which shall comply with Subsection (4);
    - (ii) the facts and circumstances refuting the allegation, which shall be provided by:
      - (A) copies of official records or documentary evidence; or
      - (B) one or more affidavits, each of which shall comply with Subsection (4);
  - (c) a list of the witnesses that the respondent wishes to have called, including for each witness:
    - (i) the name, address, and, if available, telephone number of the witness;
    - (ii) a brief summary of the testimony to be provided by the witness; and
    - (iii) a specific description of any documents or evidence the respondent desires the witness to produce;
  - (d) a statement that the respondent:
    - (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
    - (ii) believes the contents of the response to be true and accurate; and
  - (e) the signature of the respondent.
- (3) Promptly after receiving the response, the commission shall provide copies of the response to:
  - (a) each member of the commission; and
  - (b) the first named complainant on the complaint.
- (4) An affidavit described in Subsection (2)(b)(i) or (2)(b)(ii)(B) shall include the following information:
  - (a) the name, address, and telephone number of the signer;
  - (b) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
  - (c) the facts and circumstances testified to by the signer;
  - (d) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
  - (e) the signature of the signer.

Renumbered and Amended by Chapter 461, 2018 General Session

## Part 7

### Commission Review of Ethics Violation

#### **63A-15-701 Commission review of ethics violation.**

- (1) The scope of a review by the commission is limited to an alleged ethics violation stated in a complaint that has not been previously dismissed under Section 63A-15-602.
- (2)
  - (a) Before holding the meeting for review of the complaint, the commission chair may schedule a separate meeting of the commission for the purposes of:
    - (i) hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures;
    - (ii) holding a vote of the commission, with or without the attendance of the parties, on procedural or commission business matters relating to a complaint; or
    - (iii) reviewing a complaint, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the commission, because the complaint pleads facts or circumstances against a political subdivision officer or employee that have already been reviewed by, as provided in Section 63A-15-301, the commission, a municipal ethics commission established in accordance with Section 10-3-1311, a county ethics commission established in accordance with Section 17-16a-11, or a local political subdivision ethics commission established in accordance with Section 63A-15-103.
  - (b) Notwithstanding Section 63A-15-603, the commission may, by a majority vote, change the date of the meeting for review of the complaint in order to accommodate:
    - (i) a meeting authorized under Subsection (2)(a); or
    - (ii) necessary scheduling requirements.
- (3)
  - (a) The commission shall comply with the Utah Rules of Evidence except where the commission determines, by majority vote, that a rule is not compatible with the requirements of this chapter.
  - (b) The chair shall make rulings on admissibility of evidence consistent with the provisions of Section 63A-15-402.
- (4)
  - (a) A meeting or hearing authorized in this part is open to the public except as provided in Section 52-4-204.
  - (b) The following individuals may be present during the presentation of testimony and evidence to the commission:
    - (i) the complainant;
    - (ii) the complainant's counsel, if applicable;
    - (iii) the respondent;
    - (iv) the respondent's counsel, if applicable;
    - (v) members of the commission;
    - (vi) staff to the commission;
    - (vii) a witness, while testifying before the commission; and
    - (viii) necessary security personnel.
  - (c) The commission may, in accordance with Section 52-4-204, close a meeting to:
    - (i) seek or obtain legal advice on legal, evidentiary, or procedural matters; or
    - (ii) conduct deliberations to reach a decision on the complaint.

- (5) If a majority of the commission determines that a continuance is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of commission members, witnesses, or a party, the commission shall:
  - (a) adjourn and continue the meeting to a future date and time after notice to the parties; and
  - (b) establish that future date and time by majority vote.
- (6) A record, as defined in Section 63G-2-103, created by the commission under this part, reviewed by the commission under this part, or received by the commission under this part, is a public record, as defined in Section 63G-2-103.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-702 Record -- Recording of meetings.**

- (1)
  - (a) Except as provided in Subsection (1)(b), an individual may not use a camera or other recording device in a meeting authorized by this part.
  - (b)
    - (i) The commission shall keep an audio or video recording of all portions of each meeting authorized by this part.
    - (ii) The commission may, by a majority vote of the commission, permit a camera or other recording device in the meeting in which the commission releases the commission's recommendation under this part.
- (2) In addition to the recording required in Subsection (1), the chair shall ensure that a record of the meeting or hearing is made, which shall include:
  - (a) official minutes taken during the meeting or hearing, if any;
  - (b) copies of all documents or other items admitted into evidence by the commission;
  - (c) copies of a document or written order or ruling issued by the chair or the commission; and
  - (d) any other information that a majority of the commission or the chair directs.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-703 Commission deliberations -- Standard of proof.**

- (1) After each party has presented a closing argument, the commission shall, at the direction of the chair, begin its deliberations:
  - (a) immediately after conclusion of the closing arguments; or
  - (b) at a future meeting of the commission, on a date and time determined by a majority of the members of the commission.
- (2)
  - (a) The chair of the commission shall conduct the deliberations.
  - (b) Upon a motion made by a commission member, the commission may:
    - (i) exclude commission staff from all or a portion of the deliberations by a majority vote of the commission; or
    - (ii) close the meeting in accordance with Section 52-4-204.
- (3)
  - (a) During deliberations, for each allegation reviewed by the commission, each member shall determine and cast a vote stating:
    - (i) whether the allegation is:
      - (A) proven by clear and convincing evidence; or
      - (B) not proven; and

- (ii) for each allegation proven, whether the commission would recommend to the appropriate political subdivision governing body to take one or more of the following actions:
  - (A) censure;
  - (B) in the case of a political subdivision employee, termination;
  - (C) in the case of a political subdivision officer, removal from office; or
  - (D) any other action or reprimand that the commission determines is appropriate.
- (b)
  - (i) A verbal roll call vote shall be taken on each allegation, and each recommended action described in Subsection (3)(a)(ii) on each allegation.
  - (ii) Each member's vote shall be recorded.
- (4)
  - (a) An allegation is not considered to be proven unless six of the seven members of the commission vote that the allegation is proven.
  - (b) The seven members of the commission described in Subsection (4)(a) refers to the members that actually participate in deciding whether an allegation is proven, including an alternate member described in Subsection 63A-15-201(4)(f)(i)(A) or a temporary member described in Subsection 63A-15-201(4)(f)(i)(B).
  - (c) An allegation that is not considered to be proven is dismissed.
  - (d)
    - (i) Before the commission issues its recommendation in accordance with Section 63A-15-704, the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.
    - (ii) A motion to reconsider a vote may only be made by a member of the commission who voted that the allegation was not proved.
- (5) The commission may not find that an allegation is proven if the allegation is based on an act by an individual under the authority of the political subdivision officer or employee, unless the commission finds, by clear and convincing evidence, that the political subdivision officer or employee:
  - (a) encouraged, condoned, or ordered the act;
- (b)
  - (i) before the individual engaged in the act, knew or should have known that the individual was likely to engage in the act; and
  - (ii) failed to take appropriate action to prevent the act;
- (c)
  - (i) while the individual engaged in the act, knew or should have known that the individual was engaging in the act; and
  - (ii) failed to take appropriate action to stop the act; or
- (d)
  - (i) after the individual engaged in the act, knew or should have known that the individual engaged in the act; and
  - (ii) failed to take appropriate action in response to the act.
- (6) The commission may not find that an allegation is proven if the allegation is based on the failure of an individual under the authority of the political subdivision officer or employee to act, unless the commission finds, by clear and convincing evidence, that the political subdivision officer or employee:
  - (a) encouraged, condoned, or ordered the failure to act;
- (b)
  - (i) before the individual failed to act, knew or should have known that the individual was likely to fail to act; and

- (ii) failed to take appropriate action to prevent the failure to act;
  - (c)
    - (i) while the individual was failing to act, knew or should have known that the individual was failing to act; and
    - (ii) failed to take appropriate action to prevent the failure to act; or
  - (d)
    - (i) after the individual failed to act, knew or should have known that the individual failed to act; and
    - (ii) failed to take appropriate action in response to the failure to act.
- (7) At the conclusion of deliberations, the commission shall prepare the commission's recommendations as provided in Sections 63A-15-704 and 63A-15-705.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-704 Recommendations of commission.**

- (1)
- (a) If the commission determines that no allegations in the complaint were proved, the commission shall:
    - (i) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
    - (ii) provide notice of the determination at a public meeting; and
    - (iii) provide written notice of the determination to:
      - (A) the respondent;
      - (B) the first complainant named on the complaint; and
      - (C) the appropriate political subdivision.
  - (2) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:
    - (a) if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations; and
    - (b) prepare a written recommendation to the applicable political subdivision governing body that:
      - (i) lists the name of each complainant;
      - (ii) lists the name of the respondent;
      - (iii) states the date of the recommendation;
      - (iv) for each allegation that was found to be proven:
        - (A) provides a reference to the statute or criminal provision allegedly violated;
        - (B) states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;
        - (C) at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved; and
        - (D) at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not proved;
      - (v) contains any general statement that is adopted for inclusion in the recommendation by a majority of the members of the commission;
      - (vi) contains a statement referring the allegations found to have been proved to the appropriate political subdivision governing body for review and, if necessary, further action;

- (vii) contains a statement referring to each allegation proven the commission's recommendation under Subsection 63A-15-703(3)(a)(ii);
  - (viii) states the name of each member of the commission; and
  - (ix) is signed by each commission member.
- (3) The commission shall provide notice of the determination:
- (a) at a public meeting; and
  - (b) in writing to:
    - (i) the respondent;
    - (ii) the first complainant named on the complaint; and
    - (iii) in accordance with Subsection (4), the appropriate political subdivision.
- (4) The commission shall ensure that, within 10 business days of the date of public issuance of the determination in accordance with Subsection (3), the following documents are provided to the political subdivision governing body:
- (a) a cover letter referring the proven allegations contained in the complaint to the political subdivision governing body for review;
  - (b) a copy of the complaint;
  - (c) a copy of the response; and
  - (d) a copy of the commission's recommendation.

Renumbered and Amended by Chapter 461, 2018 General Session

**63A-15-705 Criminal allegation -- Recommendation to county or district attorney or attorney general.**

- (1) If the commission finds that a political subdivision officer or employee allegedly violated a criminal provision, the commission shall, in addition to sending a recommendation to a political subdivision governing body in accordance with Section 63A-15-704, send a written recommendation for further investigation to one or more of the following:
- (a) the county or district attorney of the applicable jurisdiction; or
  - (b) the attorney general.
- (2) The written recommendation described in Subsection (1) shall:
- (a) list the name of each complainant;
  - (b) list the name of the respondent;
  - (c) state the date of the recommendation;
  - (d) for each allegation of a criminal violation, provide a reference to the criminal provision allegedly violated;
  - (e) include a general statement that is adopted by a majority of the members of the commission; and
  - (f) state the name of the political subdivision governing body that the commission sent a recommendation to in accordance with Section 63A-15-704.
- (3) If the commission sends a recommendation in accordance with this section, the commission shall enter into the record:
- (a) a copy of the recommendation; and
  - (b) the name of each person described in Subsection (1) to whom the commission sent the recommendation.
- (4) A recommendation prepared and delivered in accordance with this section is a public record.

Renumbered and Amended by Chapter 461, 2018 General Session



**63A-15-706 Action by political subdivision governing body.**

A political subdivision governing body that receives a recommendation in accordance with Section 63A-15-704 shall:

- (1) review the recommendation; and
- (2) take further action in accordance with a political subdivision's governing ordinance, bylaws, or other applicable governing rule.

Renumbered and Amended by Chapter 461, 2018 General Session

Town of Springdale

**ANNUAL FINANCIAL REPORT**

For the Year Ended June 30, 2025

Town of Springdale  
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June 30, 2025

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## INDEPENDENT AUDITOR'S REPORT

To the Town Council and Mayor  
Springdale Town, Utah

### **Report on the Audit of the Financial Statements**

#### ***Opinions***

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Springdale Town, Utah as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise Springdale Town, Utah's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Springdale Town, Utah, as of June 30, 2025, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Basis for Opinions***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Springdale Town, Utah and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### ***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Springdale Town, Utah's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Springdale Town, Utah's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Springdale Town, Utah's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, schedule of the proportionate share of the net pension liability, and the schedule of contributions as listed in the table of contents be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated December 29, 2025, on our consideration of Springdale Town, Utah's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Springdale Town, Utah's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Springdale Town, Utah's internal control over financial reporting and compliance.

*Rees CPA*

Rees CPA  
Cedar City, Utah  
December 29, 2025

## **MANAGEMENT'S DISCUSSION AND ANALYSIS**

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Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

As management of Town of Springdale (the Town), we offer readers of the Town's financial statements this narrative overview and analysis of financial activities of the Town for the fiscal year ended June 30, 2024.

**FINANCIAL HIGHLIGHTS**

- \*Total net position for the Town as a whole increased by \$498,007
- \*Total unrestricted net position for the Town as a whole decreased by \$2,405,754
- \*Total net position for governmental activities increased by \$1,595,984
- \*Total net position for business-type activities decreased by \$1,097,977

**BASIC FINANCIAL STATEMENTS**

This discussion and analysis is intended to serve as an introduction to the basic financial statements of the Town of Springdale. The basic financial statements comprise three components: (1) government wide financial statements, (2) fund financial statements, and (3) notes to the financial statements.

**Government-wide financial statements.** The government-wide financial statements are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the Town's assets, deferred outflows, liabilities, and deferred inflows, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The statement of activities presents information showing how the Town's net position changed during the fiscal year reported. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The statement of activities is presented on two pages. The first page reports the extent to which each function or program is self-supporting through fees and intergovernmental aid. The second page identifies the general revenues of the Town available to cover any remaining costs of the functions or programs.

Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

**Fund financial statements.** A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town also uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the Town can be divided into two categories: governmental funds and proprietary funds.

*Governmental funds.* These funds are used to account for the same functions reported as governmental activities in the government-wide financial statements. Governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for government funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the government fund balance sheet and the government fund statement of the revenues, expenditures, and changes in fund balances provide reconciliation to facilitate this comparison between governmental funds and governmental activities.

The Town maintains two major governmental funds, the general fund and streets capital projects fund.

The Town adopts an annual appropriated budget for all its funds. A budgetary comparison schedule has been provided to demonstrate legal compliance with the adopted budget for the general fund.

The basic governmental fund financial statements can be found later in this report; see Table of Contents.

*Proprietary funds.* The Town maintains one type of proprietary fund. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The Town uses four enterprise funds to account for the operations of the water, sewer, irrigation and Building Authority activities.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The enterprise funds are considered major funds of the Town.

The proprietary fund financial statements can be found later in this report; see Table of Contents.

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements are reported later in this report; see Table of Contents.

**Other information.** In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Town.

Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

**FINANCIAL ANALYSIS**

**Town of Springdale's Net Position**

|                                               | Governmental<br>Activities |                   | Business-type<br>Activities |                   | Total             | Total             |
|-----------------------------------------------|----------------------------|-------------------|-----------------------------|-------------------|-------------------|-------------------|
|                                               | Current<br>Year            | Previous<br>Year  | Current<br>Year             | Previous<br>Year  | Current<br>Year   | Previous<br>Year  |
| Current and other assets                      | \$ 2,928,555               | 1,943,743         | 4,710,800                   | 7,665,745         | 7,639,355         | 9,609,488         |
| Net capital assets                            | 13,383,183                 | 12,711,768        | 17,318,430                  | 14,169,075        | 30,701,613        | 26,880,843        |
| Deferred outflows of resources                | 726,219                    | 780,413           | 242,073                     | 260,138           | 968,292           | 1,040,551         |
| <b>Total assets and deferred outflows</b>     | <b>\$ 17,037,957</b>       | <b>15,435,924</b> | <b>22,271,303</b>           | <b>22,094,957</b> | <b>39,309,260</b> | <b>37,530,881</b> |
| Long-term debt outstanding                    | \$ -                       | -                 | 12,415,213                  | 11,301,213        | 12,415,213        | 11,301,213        |
| Other liabilities                             | 1,377,360                  | 1,377,498         | 1,028,107                   | 752,519           | 2,405,468         | 2,130,017         |
| Deferred inflows of resources                 | 90,663                     | 84,477            | 2,543                       | 807               | 93,206            | 85,284            |
| <b>Total liabilities and deferred inflows</b> | <b>1,468,023</b>           | <b>1,461,975</b>  | <b>13,445,863</b>           | <b>12,054,540</b> | <b>14,913,887</b> | <b>13,516,514</b> |
| Net position:                                 |                            |                   |                             |                   |                   |                   |
| Net investment in capital assets              | 13,383,183                 | 12,711,768        | 8,648,637                   | 6,613,282         | 22,031,820        | 19,325,050        |
| Restricted                                    | 392,470                    | 195,479           | 723,852                     | 723,852           | 1,116,323         | 919,331           |
| Unrestricted                                  | 1,794,280                  | 1,066,702         | (134,049)                   | 2,999,283         | 1,660,231         | 4,065,985         |
| <b>Total net position</b>                     | <b>\$ 15,569,933</b>       | <b>13,973,949</b> | <b>9,238,440</b>            | <b>10,336,417</b> | <b>24,808,373</b> | <b>24,310,366</b> |

As noted earlier, net position may serve over time as a useful indicator of financial position. Total assets and deferred outflows of resources exceeded total liabilities and deferred inflow of resources at the close of the year by \$24,808,373, an increase of \$498,007 from the previous year. This change is equivalent to the net income for the year, in private sector terms.

Total unrestricted net position at the end of the year are \$1,660,231 which represents a decrease of \$2,405,754 from the previous year. Unrestricted net position are those resources available to finance day-to-day operations without constraints established by debt covenants, enabling legislation, or other legal requirements.

The amount of current and other assets represent the amounts of cash and receivables on hand at the end of each year. Other liabilities are the amounts of current and other liabilities due, at year end, for goods and services acquired.

Changes in capital assets are the result of the difference, in the current year, of the cost of acquisition of capital assets and any depreciation charges on capital assets. Change in long-term debt is the difference in the amount of debt issued and that which has been paid during the year.

Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

**Town of Springdale's Change in Net Position**

|                                             | Governmental<br>Activities |                  | Business-type<br>Activities |                  | Total            | Total            |
|---------------------------------------------|----------------------------|------------------|-----------------------------|------------------|------------------|------------------|
|                                             | Current<br>Year            | Previous<br>Year | Current<br>Year             | Previous<br>Year | Current<br>Year  | Previous<br>Year |
| <b>Program revenues:</b>                    |                            |                  |                             |                  |                  |                  |
| Charges for services                        | \$ 1,254,086               | 1,013,123        | 2,026,514                   | 1,961,347        | 3,280,600        | 2,974,470        |
| Operating grants                            | 308,962                    | 55,859           | -                           | -                | 308,962          | 55,859           |
| Capital grants                              | 28,672                     | 249,857          | 5,957                       | 139,415          | 34,629           | 389,272          |
| <b>General revenues:</b>                    |                            |                  |                             |                  |                  |                  |
| Property taxes                              | 88,387                     | 92,404           | -                           | -                | 88,387           | 92,404           |
| Sales tax                                   | 1,013,585                  | 927,637          | -                           | -                | 1,013,585        | 927,637          |
| Other taxes                                 | 3,954,274                  | 3,646,234        | -                           | -                | 3,954,274        | 3,646,234        |
| Other revenues                              | 1,038,669                  | 261,140          | 172,199                     | 81,465           | 1,210,868        | 342,605          |
| <b>Total revenues</b>                       | <b>7,686,635</b>           | <b>6,246,255</b> | <b>2,204,670</b>            | <b>2,182,226</b> | <b>9,891,305</b> | <b>8,428,482</b> |
| <b>Expenses:</b>                            |                            |                  |                             |                  |                  |                  |
| General government                          | 1,687,249                  | 1,309,193        | -                           | -                | 1,687,249        | 1,309,193        |
| Public safety                               | 2,281,682                  | 2,101,268        | -                           | -                | 2,281,682        | 2,101,268        |
| Public works                                | 1,119,557                  | 474,722          | -                           | -                | 1,119,557        | 474,722          |
| Parks and recreation                        | 488,756                    | 420,899          | -                           | -                | 488,756          | 420,899          |
| Community development                       | 1,197,278                  | 1,073,662        | -                           | -                | 1,197,278        | 1,073,662        |
| Transportation                              | 575,339                    | 505,453          | -                           | -                | 575,339          | 505,453          |
| Interest on long-term debt                  | -                          | -                | -                           | -                | -                | -                |
| Water                                       | -                          | -                | 1,321,123                   | 1,662,792        | 1,321,123        | 1,662,792        |
| Sewer                                       | -                          | -                | 505,134                     | 402,780          | 505,134          | 402,780          |
| Irrigation                                  | -                          | -                | 116,632                     | 101,152          | 116,632          | 101,152          |
| Building Authority                          | -                          | -                | 100,550                     | 49,075           | 100,550          | 49,075           |
| <b>Total expenses</b>                       | <b>7,349,860</b>           | <b>5,885,197</b> | <b>2,043,438</b>            | <b>2,215,799</b> | <b>9,393,298</b> | <b>8,100,997</b> |
| <b>Excess (deficiency) before transfers</b> | <b>336,775</b>             | <b>361,058</b>   | <b>161,232</b>              | <b>(33,573)</b>  | <b>498,007</b>   | <b>327,484</b>   |
| Transfers in (out)                          | 1,259,209                  | (135,791)        | (1,259,209)                 | 135,791          | -                | -                |
| <b>Change in net position</b>               | <b>\$ 1,595,984</b>        | <b>225,267</b>   | <b>(1,097,977)</b>          | <b>102,218</b>   | <b>498,007</b>   | <b>327,484</b>   |

For the Town as a whole, total revenues increased by \$1,462,823 compared to the previous year, while total expenses increased by \$1,292,301. The total net change of \$498,007 is, in private sector terms, the net income for the year, which is \$170,523 more than the previous year.

Governmental activities revenues of \$7,686,635 is an increase of \$1,440,380 from the previous year. This is primarily due to a decrease in grant revenues during the year. Governmental activities expenses of \$7,349,860 is an increase of \$1,464,663 from the previous year. While parks and recreation, community development and transportation expenses decreased, all other department expenses increased.

Business-type activities revenue of \$2,204,670 is an increase of \$22,444 from the previous year. Service revenues increased by \$65,167 and other revenues increased by \$90,734. Business-type activities expenses of \$2,043,438 is a decrease of \$172,361 from the previous year. This is due to an overall increase in operation expenses for water.

Town of Springdale  
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**BALANCES AND TRANSACTIONS OF INDIVIDUAL FUNDS**

Some of the more significant changes in fund balances and fund net position, and any restrictions on those amounts, is described below:

*General Fund*

The fund balance of \$611,951 reflects an increase of \$160,252 from the previous year. Total revenues increased by \$742,989. Tax revenues, including property taxes and sales taxes, increased by \$389,971. Intergovernmental revenue increased by \$253,103. Revenues from interest increased by \$73,898. All other revenues increased \$26,017.

Total expenditures decreased by \$1,929,670. General government expenditures decreased by \$1,889,212, public safety expenditures increased by \$26,084, public works expenditures decreased by \$43,633, culture and recreation expenditures decreased by \$61,622, and community development expenditures increased by \$38,713.

Fund balance restricted for Class C roads and public safety amounted to \$115,413 and \$265,446, respectively. The unassigned fund balance amounts to \$231,092.

*Streets Capital Projects Fund*

The fund balance of \$0 reflects a decrease of \$287,211 from the previous year. There were no revenues. Expenditures increased by \$598,858. Transfers in from the General fund were \$1,500,605.

*Transportation Fund*

The fund balance of \$1,417,438 reflects an increase of \$1,325,575 from the previous year. Revenues increased by \$205,294. Expenditures increased by \$69,886. Transfers in from the General fund were \$900,000.

*Water Fund*

The change in net position (loss) was \$10,299, which was a \$322,397 smaller loss than the prior year's change in net position. Net position restricted for debt service is \$454,987. Unrestricted net position amounts to \$832,934.

*Sewer Fund*

The change in net position (net income) was \$322,866, which was \$38,994 more than the previous year's net change (net income). Unrestricted net position amounts to -\$1,629,022.

*Irrigation Fund*

The change in net position (net income) was \$11,822, which was \$119,346 less than the previous year's net income of \$131,168. Unrestricted net position amounts to \$371,382.

*Building Authority Fund*

The change in net position (net loss) was \$1,422,367, the previous year had a net income of \$19,874. Unrestricted net position amounts to \$290,657.

**GENERAL FUND BUDGETARY HIGHLIGHTS**

Revenues for the current year, exclusive of transfers and fund balance appropriations, were originally budgeted in the amount of \$5,283,045. This amount was amended in the final budget to \$5,394,431. Actual revenues, excluding transfers, amounted to \$5,888,781.

Expenditures for the current year, excluding transfers and budgeted increases in fund balance, were originally budgeted in the amount of \$4,129,144. This amount was amended in the final budget to \$6,246,338. Actual expenditures amounted to \$5,944,603.

Transfers out for the year were originally budgeted in the amount of \$600,791. The final budget for transfers out was for the amount of \$2,270,791. Actual transfers out were made in the amount of \$2,531,396.

Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

**CAPITAL ASSETS AND DEBT ADMINISTRATION**

**Town of Springdale's Capital Assets (net of depreciation)**

|                               | Governmental<br>Activities |                   | Business-type<br>Activities |                   | Total             | Total             |
|-------------------------------|----------------------------|-------------------|-----------------------------|-------------------|-------------------|-------------------|
|                               | Current<br>Year            | Previous<br>Year  | Current<br>Year             | Previous<br>Year  | Current<br>Year   | Previous<br>Year  |
| <b>Capital Assets:</b>        |                            |                   |                             |                   |                   |                   |
| Land and water rights         | \$ 3,245,025               | 3,245,025         | 291,344                     | 291,344           | 3,536,370         | 3,536,370         |
| Buildings                     | 1,099,889                  | 1,069,414         | 1,287,256                   | 1,287,256         | 2,387,145         | 2,356,670         |
| Improvements                  | 1,968,165                  | 1,755,576         | 60,842                      | 60,842            | 2,029,007         | 1,816,418         |
| Water system                  | -                          | -                 | 14,460,625                  | 14,460,625        | 14,460,625        | 14,460,625        |
| Sewer system                  | -                          | -                 | 2,481,961                   | 2,466,999         | 2,481,961         | 2,466,999         |
| Irrigation system             | -                          | -                 | 989,235                     | 989,235           | 989,235           | 989,235           |
| Machinery and equipment       | 1,050,627                  | 1,050,627         | 910,517                     | 910,517           | 1,961,145         | 1,961,145         |
| Vehicles                      | 1,118,956                  | 1,118,956         | 446,856                     | 446,856           | 1,565,813         | 1,565,813         |
| Infrastructure                | 8,310,733                  | 6,622,795         | -                           | -                 | 8,310,733         | 6,622,795         |
| Work in progress              | 691,824                    | 1,452,493         | 4,596,146                   | 970,580           | 5,287,970         | 2,423,073         |
| <b>Total capital assets</b>   | <b>17,485,218</b>          | <b>16,314,887</b> | <b>25,524,784</b>           | <b>21,884,256</b> | <b>43,010,002</b> | <b>38,199,142</b> |
| Less accumulated depreciation | (4,102,036)                | (3,603,119)       | (8,206,354)                 | (7,715,181)       | (12,308,390)      | (11,318,300)      |
| <b>Net capital assets</b>     | <b>\$ 13,383,183</b>       | <b>12,711,768</b> | <b>17,318,430</b>           | <b>14,169,075</b> | <b>30,701,613</b> | <b>26,880,843</b> |

The total amount of capital assets, net of depreciation, of \$30,701,613 is an increase of \$3,820,770 from the previous year.

Governmental activities capital assets, net of depreciation, of \$13,383,183 is an increase of \$671,415 from the previous year.

Business-type activities capital assets, net of depreciation, of \$17,318,430 is an increase of \$3,149,355 from the previous year.

Additional information regarding capital assets may be found in the notes to financial statements.

Town of Springdale  
**Management's Discussion and Analysis**  
June 30, 2025

**Town of Springdale's Outstanding Debt**

|                                   | Current<br>Year          | Previous<br>Year     |
|-----------------------------------|--------------------------|----------------------|
| <b>Business-type activities:</b>  |                          |                      |
| 2006 MBA Lease Revenue            | \$ 587,000               | 629,000              |
| 2012 Water Revenue                | 33,213                   | 38,213               |
| 2009 Sales Tax Revenue            | 1,008,000                | 1,075,000            |
| 2017 Water Treatment Plant Bond   | 4,661,000                | 4,843,000            |
| 2024 Sewer Revenue                | 4,716,000                | -                    |
| 2024 MBA Lease Revenue            | 1,410,000                | -                    |
| <b>Total business-type</b>        | <b>\$ 12,415,213</b>     | <b>6,585,213</b>     |
| <br><b>Total outstanding debt</b> | <br><b>\$ 12,415,213</b> | <br><b>6,585,213</b> |

Additional information regarding the long-term liabilities may be found in the notes to financial statements.

**ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES**

No significant economic changes that would affect the Town are expected for the next year. Budgets have been set on essentially the same factors as the current year being reported.

**REQUESTS FOR INFORMATION**

This financial report is designed to provide a general overview of Town of Springdale's finances for all those with an interest in the Town's finances. Questions concerning any information provided in this report or requests for additional financial information should be addressed to Town of Springdale, P.O. Box 187, 84767 or call (435) 772-3434.

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## **BASIC FINANCIAL STATEMENTS**

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Town of Springdale  
**STATEMENT OF NET POSITION**  
June 30, 2025

|                                                                          | Governmental<br>Activities  | Business-type<br>Activities | Total                    |
|--------------------------------------------------------------------------|-----------------------------|-----------------------------|--------------------------|
| <b>ASSETS AND DEFERRED OUTFLOWS OF RESOURCES:</b>                        |                             |                             |                          |
| Assets:                                                                  |                             |                             |                          |
| Current assets:                                                          |                             |                             |                          |
| Cash and cash equivalents                                                | \$ 1,295,394                | 2,156,215                   | 3,451,610                |
| Accounts receivable, net                                                 | 1,246,030                   | 191,303                     | 1,437,333                |
| Other assets                                                             | (5,339)                     | -                           | (5,339)                  |
| Total current assets                                                     | <u>2,536,085</u>            | <u>2,347,519</u>            | <u>4,883,603</u>         |
| Non-current assets:                                                      |                             |                             |                          |
| Restricted cash and cash equivalents                                     | 392,470                     | 2,363,281                   | 2,755,752                |
| Capital assets:                                                          |                             |                             |                          |
| Not being depreciated                                                    | 3,936,849                   | 5,051,291                   | 8,988,140                |
| Net of accumulated depreciation                                          | 9,446,334                   | 12,267,139                  | 21,713,473               |
| Net pension assets                                                       | -                           | -                           | -                        |
| Total non-current assets                                                 | <u>13,775,653</u>           | <u>19,681,711</u>           | <u>33,457,365</u>        |
| Total assets                                                             | <u>16,311,738</u>           | <u>22,029,230</u>           | <u>38,340,968</u>        |
| Deferred outflows of resources - pensions                                | 726,219                     | 242,073                     | 968,292                  |
| <b>Total assets and deferred outflows of resources</b>                   | <b><u>\$ 17,037,957</u></b> | <b><u>22,271,303</u></b>    | <b><u>39,309,260</u></b> |
| <b>LIABILITIES AND DEFERRED INFLOWS OF RESOURCES:</b>                    |                             |                             |                          |
| Liabilities:                                                             |                             |                             |                          |
| Current liabilities:                                                     |                             |                             |                          |
| Accounts payable and accrued liabilities                                 | \$ 335,915                  | 108,781                     | 444,696                  |
| Accrued interest payable                                                 | -                           | 102,743                     | 102,743                  |
| Customer security deposits                                               | -                           | 20,075                      | 20,075                   |
| Unearned Revenue                                                         | -                           | 55,340                      | 55,340                   |
| Long-term debt due within one year                                       | -                           | 413,000                     | 413,000                  |
| Total current liabilities                                                | <u>335,915</u>              | <u>699,939</u>              | <u>1,035,854</u>         |
| Non-current liabilities:                                                 |                             |                             |                          |
| Compensated absences                                                     | 112,089                     | 18,383                      | 130,472                  |
| Long-term debt due after one year                                        | -                           | 12,002,213                  | 12,002,213               |
| Net pension liability                                                    | 929,356                     | 309,786                     | 1,239,142                |
| Total non-current liabilities                                            | <u>1,041,445</u>            | <u>12,330,382</u>           | <u>13,371,827</u>        |
| Total liabilities                                                        | <u>1,377,360</u>            | <u>13,030,320</u>           | <u>14,407,681</u>        |
| Deferred inflows of resources - property taxes                           | 83,032                      | -                           | 83,032                   |
| Deferred inflows of resources - pensions                                 | 7,631                       | 2,543                       | 10,174                   |
| <b>Total liabilities and deferred inflows of resources</b>               | <b><u>1,468,023</u></b>     | <b><u>13,032,863</u></b>    | <b><u>14,500,887</u></b> |
| <b>NET POSITION:</b>                                                     |                             |                             |                          |
| Net investment in capital assets                                         | 13,383,183                  | 8,648,637                   | 22,031,820               |
| Restricted                                                               | 392,470                     | 723,852                     | 1,116,323                |
| Unrestricted                                                             | 1,794,280                   | (134,049)                   | 1,660,231                |
| <b>Total net position</b>                                                | <b><u>15,569,933</u></b>    | <b><u>9,238,440</u></b>     | <b><u>24,808,373</u></b> |
| <b>Total liabilities, deferred inflows of resources and net position</b> | <b><u>\$ 17,037,957</u></b> | <b><u>22,271,303</u></b>    | <b><u>39,309,260</u></b> |

Town of Springdale  
**STATEMENT OF ACTIVITIES**  
For the Year Ended June 30, 2025

|                                       | Expenses            | Charges<br>for<br>Services | Operating<br>Grants and<br>Contributions | Capital<br>Grants and<br>Contributions | Net<br>(Expense)<br>Revenue<br>(To Next<br>Page) |
|---------------------------------------|---------------------|----------------------------|------------------------------------------|----------------------------------------|--------------------------------------------------|
| <b><u>FUNCTIONS/PROGRAMS:</u></b>     |                     |                            |                                          |                                        |                                                  |
| <b>Primary government:</b>            |                     |                            |                                          |                                        |                                                  |
| Governmental activities:              |                     |                            |                                          |                                        |                                                  |
| General government                    | \$ 1,687,249        | 142,709                    | -                                        | -                                      | (1,544,540)                                      |
| Public safety                         | 2,281,682           | 129,981                    | 23,491                                   | -                                      | (2,128,210)                                      |
| Public works                          | 1,119,557           | -                          | 285,471                                  | -                                      | (834,086)                                        |
| Culture and recreation                | 488,756             | 8,800                      | -                                        | 28,672                                 | (451,284)                                        |
| Community development                 | 1,197,278           | -                          | -                                        | -                                      | (1,197,278)                                      |
| Transportation                        | 575,339             | 972,596                    | -                                        | -                                      | 397,257                                          |
| <b>Total governmental activities</b>  | <b>7,349,860</b>    | <b>1,254,086</b>           | <b>308,962</b>                           | <b>28,672</b>                          | <b>(5,758,140)</b>                               |
| Business-type activities:             |                     |                            |                                          |                                        |                                                  |
| Water                                 | 1,321,123           | 1,213,217                  | -                                        | 5,957                                  | (101,949)                                        |
| Sewer                                 | 505,134             | 692,118                    | -                                        | -                                      | 186,984                                          |
| Irrigation                            | 116,632             | 63,454                     | -                                        | -                                      | (53,178)                                         |
| Building Authority                    | 100,550             | 57,725                     | -                                        | -                                      | (42,825)                                         |
| <b>Total business-type activities</b> | <b>2,043,438</b>    | <b>2,026,514</b>           | <b>-</b>                                 | <b>5,957</b>                           | <b>(10,967)</b>                                  |
| <b>Total primary government</b>       | <b>\$ 9,393,298</b> | <b>3,280,600</b>           | <b>308,962</b>                           | <b>34,629</b>                          | <b>(5,769,108)</b>                               |

(continued on next page)

Town of Springdale  
**STATEMENT OF ACTIVITIES (continued)**  
For the Year Ended June 30, 2025

|                                                       | Governmental<br>Activities  | Business-type<br>Activities | Total                    |
|-------------------------------------------------------|-----------------------------|-----------------------------|--------------------------|
| <b>CHANGES IN NET POSITION:</b>                       |                             |                             |                          |
| <b>Net (expense) revenue<br/>(from previous page)</b> | <b>\$ (5,758,140)</b>       | <b>(10,967)</b>             | <b>(5,769,108)</b>       |
| <b>General revenues:</b>                              |                             |                             |                          |
| Property taxes                                        | 88,387                      | -                           | 88,387                   |
| Sales tax                                             | 1,013,585                   | -                           | 1,013,585                |
| Other taxes                                           | 3,954,274                   | -                           | 3,954,274                |
| Unrestricted investment earnings                      | 174,129                     | 172,199                     | 346,329                  |
| Gain (loss) on sale/retirement of capital assets      | 796,586                     | -                           | 796,586                  |
| Miscellaneous                                         | 67,953                      | -                           | 67,953                   |
| Total general revenues                                | <u>6,094,915</u>            | <u>172,199</u>              | <u>6,267,114</u>         |
| Transfers in (out)                                    | <u>1,259,209</u>            | <u>(1,259,209)</u>          | <u>-</u>                 |
| Total general revenues and transfers                  | <u>7,354,124</u>            | <u>(1,087,010)</u>          | <u>6,267,114</u>         |
| <b>Change in net position</b>                         | <b>1,595,984</b>            | <b>(1,097,977)</b>          | <b>498,007</b>           |
| Net position - beginning                              | <u>13,973,949</u>           | <u>10,336,417</u>           | <u>24,310,366</u>        |
| <b>Net position - ending</b>                          | <b><u>\$ 15,569,933</u></b> | <b><u>9,238,440</u></b>     | <b><u>24,808,373</u></b> |

Town of Springdale  
**BALANCE SHEET - GOVERNMENTAL FUNDS**  
June 30, 2025

|                                                                                | General<br>Fund     | Streets<br>Capital<br>Projects | Transportation<br>Fund | Nonmajor<br>Parks<br>Capital<br>Projects | Total<br>Governmental<br>Funds |
|--------------------------------------------------------------------------------|---------------------|--------------------------------|------------------------|------------------------------------------|--------------------------------|
| <b>ASSETS</b>                                                                  |                     |                                |                        |                                          |                                |
| Cash and cash equivalents                                                      | \$ -                | 59,500                         | 767,287                | 468,607                                  | 1,295,394                      |
| Receivables:                                                                   |                     |                                |                        |                                          |                                |
| Customer accounts, net of allowances                                           | 26,377              | -                              | -                      | -                                        | 26,377                         |
| Due from other governments                                                     | 1,102,053           | -                              | -                      | -                                        | 1,102,053                      |
| Property tax - current levy                                                    | 117,600             | -                              | -                      | -                                        | 117,600                        |
| Due from other funds                                                           | -                   | -                              | 677,605                | -                                        | 677,605                        |
| Other assets                                                                   | (5,339)             | -                              | -                      | -                                        | (5,339)                        |
| Restricted cash and cash equivalents                                           | 380,859             | -                              | -                      | 11,612                                   | 392,470                        |
| <b>TOTAL ASSETS</b>                                                            | <b>\$ 1,621,549</b> | <b>59,500</b>                  | <b>1,444,892</b>       | <b>480,219</b>                           | <b>3,606,160</b>               |
| <b>LIABILITIES AND DEFERRED INFLOWS<br/>OF RESOURCES</b>                       |                     |                                |                        |                                          |                                |
| Liabilities:                                                                   |                     |                                |                        |                                          |                                |
| Accounts payable                                                               | \$ 14,591           | 59,500                         | 4,446                  | -                                        | 78,537                         |
| Accrued liabilities                                                            | 234,370             | -                              | 23,008                 | -                                        | 257,378                        |
| Due to other funds                                                             | 677,605             | -                              | -                      | -                                        | 677,605                        |
| Total liabilities                                                              | 926,566             | 59,500                         | 27,454                 | -                                        | 1,013,520                      |
| Deferred inflows of resources:                                                 |                     |                                |                        |                                          |                                |
| Property taxes                                                                 | 83,032              | -                              | -                      | -                                        | 83,032                         |
| <b>TOTAL LIABILITIES AND DEFERRED INFLOWS<br/>OF RESOURCES</b>                 | <b>1,009,598</b>    | <b>59,500</b>                  | <b>27,454</b>          | <b>-</b>                                 | <b>1,096,552</b>               |
| <b>FUND BALANCES:</b>                                                          |                     |                                |                        |                                          |                                |
| Restricted for:                                                                |                     |                                |                        |                                          |                                |
| Class C roads                                                                  | 115,413             | -                              | -                      | -                                        | 115,413                        |
| Public safety                                                                  | 265,446             | -                              | -                      | -                                        | 265,446                        |
| Impact fees                                                                    | -                   | -                              | -                      | 11,612                                   | 11,612                         |
| Assigned for:                                                                  |                     |                                |                        |                                          |                                |
| Capital projects                                                               | -                   | -                              | -                      | 468,607                                  | 468,607                        |
| Transportation                                                                 | -                   | -                              | 1,417,438              | -                                        | 1,417,438                      |
| Unassigned                                                                     | 231,092             | -                              | -                      | -                                        | 231,092                        |
| <b>TOTAL FUND BALANCES</b>                                                     | <b>611,951</b>      | <b>-</b>                       | <b>1,417,438</b>       | <b>480,219</b>                           | <b>2,509,608</b>               |
| <b>TOTAL LIABILITIES, DEFERRED INFLOWS OF<br/>RESOURCES, AND FUND BALANCES</b> | <b>\$ 1,621,549</b> | <b>59,500</b>                  | <b>1,444,892</b>       | <b>480,219</b>                           | <b>3,606,160</b>               |

Town of Springdale  
**STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS**  
For the Year Ended June 30, 2025

|                                                                      | General<br>Fund   | Streets<br>Capital<br>Projects | Transportation<br>Fund | Nonmajor<br>Parks<br>Capital<br>Projects | Total<br>Governmental<br>Funds |
|----------------------------------------------------------------------|-------------------|--------------------------------|------------------------|------------------------------------------|--------------------------------|
| <b>REVENUES</b>                                                      |                   |                                |                        |                                          |                                |
| Taxes:                                                               |                   |                                |                        |                                          |                                |
| Property                                                             | \$ 88,387         | -                              | -                      | -                                        | 88,387                         |
| Sales                                                                | 1,013,585         | -                              | -                      | -                                        | 1,013,585                      |
| Other taxes                                                          | 3,954,274         | -                              | -                      | -                                        | 3,954,274                      |
| License and permits                                                  | 133,434           | -                              | -                      | -                                        | 133,434                        |
| Intergovernmental revenues                                           | 333,962           | -                              | -                      | -                                        | 333,962                        |
| Charges for services                                                 | 78,329            | -                              | 859,623                | -                                        | 937,951                        |
| Fines and forfeitures                                                | 44,727            | -                              | 112,973                | -                                        | 157,700                        |
| Impact fees                                                          | -                 | -                              | -                      | 28,672                                   | 28,672                         |
| Interest                                                             | 174,129           | -                              | -                      | -                                        | 174,129                        |
| Miscellaneous revenue                                                | 67,953            | -                              | -                      | -                                        | 67,953                         |
| <b>Total revenues</b>                                                | <b>5,888,781</b>  | <b>-</b>                       | <b>972,596</b>         | <b>28,672</b>                            | <b>6,890,049</b>               |
| <b>EXPENDITURES</b>                                                  |                   |                                |                        |                                          |                                |
| General government                                                   | 1,443,482         | -                              | -                      | -                                        | 1,443,482                      |
| Public safety                                                        | 2,186,367         | -                              | -                      | -                                        | 2,186,367                      |
| Transportation                                                       | -                 | -                              | 541,021                | -                                        | 541,021                        |
| Public works                                                         | 251,516           | 1,787,815                      | -                      | -                                        | 2,039,331                      |
| Culture and recreation                                               | 414,609           | -                              | -                      | -                                        | 414,609                        |
| Community development                                                | 1,093,745         | -                              | -                      | 86,347                                   | 1,180,092                      |
| <b>Total expenditures</b>                                            | <b>5,389,719</b>  | <b>1,787,815</b>               | <b>541,021</b>         | <b>86,347</b>                            | <b>7,804,902</b>               |
| <b>Excess (Deficiency) of Revenues over<br/>(Under) Expenditures</b> | <b>499,062</b>    | <b>(1,787,815)</b>             | <b>431,575</b>         | <b>(57,675)</b>                          | <b>(914,853)</b>               |
| <b>Other Financing Sources and (Uses)</b>                            |                   |                                |                        |                                          |                                |
| Sale of capital assets                                               | 796,586           | -                              | -                      | -                                        | 796,586                        |
| Transfers in                                                         | 1,396,000         | 1,500,605                      | 900,000                | -                                        | 3,796,605                      |
| Transfers out                                                        | (2,531,396)       | -                              | (6,000)                | -                                        | (2,537,396)                    |
| <b>Total other financing sources and (uses)</b>                      | <b>(338,809)</b>  | <b>1,500,605</b>               | <b>894,000</b>         | <b>-</b>                                 | <b>2,055,795</b>               |
| <b>Net Change in Fund Balances</b>                                   | <b>160,252</b>    | <b>(287,211)</b>               | <b>1,325,575</b>       | <b>(57,675)</b>                          | <b>1,140,942</b>               |
| Fund balances - beginning of year                                    | 451,699           | 287,211                        | 91,863                 | 537,894                                  | 1,368,666                      |
| <b>Fund balance - end of year</b>                                    | <b>\$ 611,951</b> | <b>-</b>                       | <b>1,417,438</b>       | <b>480,219</b>                           | <b>2,509,608</b>               |

Town of Springdale  
**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF NET POSITION**  
June 30, 2025

|                                                                                                                                                |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Total Fund Balance for Governmental Funds</b>                                                                                               | <b><u>\$ 2,509,608</u></b>         |
| Total net assets reported for governmental activities in the statement is different because:                                                   |                                    |
| Capital assets used in governmental funds are not financial resources and therefore are not reported in the funds:                             |                                    |
| Capital assets, at cost                                                                                                                        | 17,485,218                         |
| Less accumulated depreciation                                                                                                                  | <u>(4,102,036)</u>                 |
| Net capital assets                                                                                                                             | <u>13,383,183</u>                  |
| Net pension assets are not financial resources and, therefore, are not reported in the funds.                                                  | <u>-</u>                           |
| Deferred outflows of resources - pensions, a consumption of net position that applies to future periods, is not shown in the funds statements. | <u>726,219</u>                     |
| Long-term liabilities, for funds other than enterprise funds, are recorded in the government-wide statements but not in the fund statements.   |                                    |
| Compensated absences                                                                                                                           | <u>(112,089)</u>                   |
| Net pension liability                                                                                                                          | <u>(929,356)</u>                   |
| Deferred inflows of resources - pensions                                                                                                       | <u>(7,631)</u>                     |
| <b>Total Net Position of Governmental Activities</b>                                                                                           | <b><u><u>\$ 15,569,933</u></u></b> |



Town of Springdale  
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES**  
For the Year Ended June 30, 2025

|                                                               |                            |
|---------------------------------------------------------------|----------------------------|
| <b>Net Change in Fund Balances - Total Governmental Funds</b> | <b><u>\$ 1,140,942</u></b> |
|---------------------------------------------------------------|----------------------------|

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, assets with a material cost are capitalized and the cost is allocated over their estimated useful lives and reported as depreciation expenses.

|                      |           |
|----------------------|-----------|
| Capital outlays      | 1,170,332 |
| Depreciation expense | (498,917) |
| Net                  | 671,415   |

|                                                                                                                                                |           |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| The Statement of Activities show pension benefits and pension expenses from the adoption of GASB 68 that are not shown in the fund statements. | (218,291) |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

Cost of retired assets sold is not reported in government fund statements, while it is reported in the statement of activities.

|                             |   |
|-----------------------------|---|
| Book cost of assets retired | - |
|-----------------------------|---|

Compensated absences expenses reported in the statement of activities do not require the use of current financial resources and are not reported as expenditures in governmental funds

|                                         |       |
|-----------------------------------------|-------|
| Change in compensated absence liability | 1,919 |
|-----------------------------------------|-------|

|                                                          |                                   |
|----------------------------------------------------------|-----------------------------------|
| <b>Change in Net Position of Governmental Activities</b> | <b><u><u>\$ 1,595,984</u></u></b> |
|----------------------------------------------------------|-----------------------------------|

Town of Springdale  
**STATEMENT OF NET POSITION - PROPRIETARY FUNDS**  
June 30, 2025

|                                                                              | Water<br>Fund     | Sewer<br>Fund    | Irrigation<br>Fund | Building<br>Authority | Total<br>Enterprise<br>Funds |
|------------------------------------------------------------------------------|-------------------|------------------|--------------------|-----------------------|------------------------------|
| <b>ASSETS AND DEFERRED OUTFLOWS<br/>OF RESOURCES:</b>                        |                   |                  |                    |                       |                              |
| Assets:                                                                      |                   |                  |                    |                       |                              |
| Current assets:                                                              |                   |                  |                    |                       |                              |
| Cash and cash equivalents                                                    | \$ 819,162        | 656,761          | 376,841            | 303,451               | 2,156,215                    |
| Accounts receivable, net                                                     | 103,096           | 84,556           | 3,651              | -                     | 191,303                      |
| Total current assets                                                         | 922,258           | 741,317          | 380,492            | 303,451               | 2,347,519                    |
| Non-current assets:                                                          |                   |                  |                    |                       |                              |
| Restricted cash and cash equivalents                                         | 564,335           | 1,741,172        | -                  | 57,775                | 2,363,281                    |
| Capital assets:                                                              |                   |                  |                    |                       |                              |
| Not being depreciated                                                        | 263,800           | 4,728,591        | 58,900             | -                     | 5,051,291                    |
| Net of accumulated depreciation                                              | 10,544,675        | 543,211          | 473,828            | 705,425               | 12,267,139                   |
| Net pension assets                                                           | -                 | -                | -                  | -                     | -                            |
| Total non-current assets                                                     | 11,372,810        | 7,012,973        | 532,728            | 763,200               | 19,681,711                   |
| Total assets                                                                 | 12,295,068        | 7,754,290        | 913,221            | 1,066,651             | 22,029,230                   |
| Deferred outflows of resources - pensions                                    | 154,927           | 67,780           | 19,366             | -                     | 242,073                      |
| <b>Total assets and deferred outflows of resources</b>                       | <b>12,449,995</b> | <b>7,822,070</b> | <b>932,587</b>     | <b>1,066,651</b>      | <b>22,271,303</b>            |
| <b>LIABILITIES AND DEFERRED INFLOWS<br/>OF RESOURCES:</b>                    |                   |                  |                    |                       |                              |
| Liabilities:                                                                 |                   |                  |                    |                       |                              |
| Current liabilities:                                                         |                   |                  |                    |                       |                              |
| Accounts payable and accrued liabilities                                     | \$ 49,670         | 57,617           | 1,494              | -                     | 108,781                      |
| Accrued interest payable                                                     | 19,159            | 70,740           | -                  | 12,844                | 102,743                      |
| Compensated absences                                                         | 9,565             | 6,922            | 1,896              | -                     | 18,383                       |
| Customer security deposits                                                   | 19,975            | -                | 100                | -                     | 20,075                       |
| Unearned revenue                                                             | 55,340            | -                | -                  | -                     | 55,340                       |
| Long-term debt, current position                                             | 255,000           | -                | -                  | 158,000               | 413,000                      |
| Total current liabilities                                                    | 408,708           | 135,279          | 3,490              | 170,844               | 718,321                      |
| Non-current liabilities:                                                     |                   |                  |                    |                       |                              |
| Long-term debt, long-term portion                                            | 5,447,213         | 4,716,000        | -                  | 1,839,000             | 12,002,213                   |
| Net pension liability                                                        | 198,263           | 86,740           | 24,783             | -                     | 309,786                      |
| Total non-current liabilities                                                | 5,645,476         | 4,802,740        | 24,783             | 1,839,000             | 12,311,999                   |
| Total liabilities                                                            | 6,054,184         | 4,938,019        | 28,273             | 2,009,844             | 13,030,320                   |
| Deferred inflows of resources - pensions                                     | 1,628             | 712              | 203                | -                     | 2,543                        |
| <b>Total liabilities and deferred inflows of resources</b>                   | <b>6,055,812</b>  | <b>4,938,731</b> | <b>28,476</b>      | <b>2,009,844</b>      | <b>13,032,863</b>            |
| <b>NET POSITION:</b>                                                         |                   |                  |                    |                       |                              |
| Net investment in capital assets                                             | 5,106,262         | 4,301,221        | 532,728            | (1,291,575)           | 8,648,637                    |
| Restricted for bond requirements                                             | 454,987           | 211,140          | -                  | 57,725                | 723,852                      |
| Unrestricted                                                                 | 832,934           | (1,629,022)      | 371,382            | 290,657               | (134,049)                    |
| <b>Total net position</b>                                                    | <b>6,394,183</b>  | <b>2,883,339</b> | <b>904,110</b>     | <b>(943,193)</b>      | <b>9,238,440</b>             |
| <b>Total liabilities, deferred inflows of resources<br/>and net position</b> | <b>12,449,995</b> | <b>7,822,070</b> | <b>932,587</b>     | <b>1,066,651</b>      | <b>22,271,303</b>            |

Town of Springdale  
**STATEMENT OF REVENUES, EXPENSES, AND CHANGES**  
**IN NET POSITION - PROPRIETARY FUNDS**

For the Year Ended June 30, 2025

|                                                   | Water<br>Fund       | Sewer<br>Fund    | Irrigation<br>Fund | Building<br>Authority | Total<br>Enterprise<br>Funds |
|---------------------------------------------------|---------------------|------------------|--------------------|-----------------------|------------------------------|
| <b>Operating income:</b>                          |                     |                  |                    |                       |                              |
| Charges for sales and service                     | \$ 1,149,313        | 646,067          | 63,404             | -                     | 1,858,783                    |
| Connection fees                                   | 52,060              | -                | -                  | -                     | 52,060                       |
| Other operating income                            | 11,845              | 46,051           | 50                 | 57,725                | 115,670                      |
| <b>Total operating income</b>                     | <b>1,213,217</b>    | <b>692,118</b>   | <b>63,454</b>      | <b>57,725</b>         | <b>2,026,514</b>             |
| <b>Operating expenses:</b>                        |                     |                  |                    |                       |                              |
| Personnel services                                | 532,561             | 200,513          | 44,378             | -                     | 777,452                      |
| Operating and maintenance                         | 289,193             | 112,486          | 29,218             | -                     | 430,897                      |
| Utilities                                         | 55,960              | 24,776           | 11,767             | -                     | 92,502                       |
| Insurance expense                                 | 27,144              | 8,380            | -                  | -                     | 35,524                       |
| Other supplies and expenses                       | 24,346              | 22,107           | -                  | 18,679                | 65,132                       |
| Bad debt expense                                  | (3,443)             | -                | -                  | -                     | (3,443)                      |
| Depreciation expense                              | 361,191             | 66,131           | 31,269             | 32,581                | 491,173                      |
| <b>Total operating expense</b>                    | <b>1,286,952</b>    | <b>434,394</b>   | <b>116,632</b>     | <b>51,260</b>         | <b>1,889,238</b>             |
| <b>Net operating income (loss)</b>                | <b>(73,735)</b>     | <b>257,724</b>   | <b>(53,178)</b>    | <b>6,465</b>          | <b>137,276</b>               |
| <b>Non-operating income (expense):</b>            |                     |                  |                    |                       |                              |
| Interest income                                   | 27,139              | 134,602          | -                  | 10,457                | 172,199                      |
| Interest on long-term debt                        | (34,171)            | (70,740)         | -                  | (49,289)              | (154,200)                    |
| <b>Total non-operating income (expense)</b>       | <b>(7,031)</b>      | <b>63,862</b>    | <b>-</b>           | <b>(38,832)</b>       | <b>17,999</b>                |
| <b>Income (loss) before transfers and capital</b> | <b>(80,767)</b>     | <b>321,586</b>   | <b>(53,178)</b>    | <b>(32,367)</b>       | <b>155,275</b>               |
| Capital contributions                             | 5,957               | -                | -                  | -                     | 5,957                        |
| Transfers in                                      | 64,511              | 1,280            | 65,000             | -                     | 130,791                      |
| Transfers out                                     | -                   | -                | -                  | (1,390,000)           | (1,390,000)                  |
| <b>Change in net position</b>                     | <b>(10,299)</b>     | <b>322,866</b>   | <b>11,822</b>      | <b>(1,422,367)</b>    | <b>(1,097,977)</b>           |
| Net position - beginning                          | 6,404,482           | 2,560,473        | 892,288            | 479,175               | 10,336,417                   |
| <b>Net position - ending</b>                      | <b>\$ 6,394,183</b> | <b>2,883,339</b> | <b>904,110</b>     | <b>(943,193)</b>      | <b>9,238,440</b>             |

Town of Springdale  
**STATEMENT OF CASH FLOWS**  
For the Year Ended June 30, 2025

|                                                                             | Water<br>Fund       | Sewer<br>Fund      | Irrigation<br>Fund | Building<br>Authority | Total<br>Enterprise<br>Funds |
|-----------------------------------------------------------------------------|---------------------|--------------------|--------------------|-----------------------|------------------------------|
| <b>Cash flows from operating activities:</b>                                |                     |                    |                    |                       |                              |
| Cash received from customers - service                                      | \$ 1,236,009        | 670,951            | 63,460             | 57,725                | 2,028,145                    |
| Change in customer deposits                                                 | (1,925)             | -                  | -                  | -                     | (1,925)                      |
| Cash paid to suppliers                                                      | (388,195)           | (72,817)           | (43,087)           | (18,679)              | (522,777)                    |
| Cash paid to employees                                                      | (488,890)           | (179,253)          | (38,393)           | -                     | (706,536)                    |
| <b>Net cash provided (used) in operating activities</b>                     | <b>357,000</b>      | <b>418,881</b>     | <b>(18,020)</b>    | <b>39,046</b>         | <b>796,907</b>               |
| <b>Cash flows from noncapital financing activities:</b>                     |                     |                    |                    |                       |                              |
| Transfers in (out)                                                          | 64,511              | 1,280              | 65,000             | (1,390,000)           | (1,259,209)                  |
| <b>Net cash provided (used) in noncapital financing activities</b>          | <b>64,511</b>       | <b>1,280</b>       | <b>65,000</b>      | <b>(1,390,000)</b>    | <b>(1,259,209)</b>           |
| <b>Cash flows from capital and related financing activities:</b>            |                     |                    |                    |                       |                              |
| Cash from capital grants                                                    | 5,957               | -                  | -                  | -                     | 5,957                        |
| Cash from debt proceeds                                                     | -                   | -                  | -                  | 1,410,000             | 1,410,000                    |
| Cash payments for capital assets                                            | -                   | (3,640,528)        | -                  | -                     | (3,640,528)                  |
| Cash payments for long-term debt principal                                  | (254,000)           | -                  | -                  | (42,000)              | (296,000)                    |
| Cash payments for long-term debt interest                                   | (34,965)            | (70,740)           | -                  | (40,377)              | (146,082)                    |
| <b>Net cash provided (used) in capital and related financing activities</b> | <b>(283,008)</b>    | <b>(3,711,268)</b> | <b>-</b>           | <b>1,327,623</b>      | <b>(2,666,653)</b>           |
| <b>Cash flows from investing activities:</b>                                |                     |                    |                    |                       |                              |
| Cash received from interest earned                                          | 27,139              | 134,602            | -                  | 10,457                | 172,199                      |
| <b>Net cash provided (used) in investing activities</b>                     | <b>27,139</b>       | <b>134,602</b>     | <b>-</b>           | <b>10,457</b>         | <b>172,199</b>               |
| <b>Net increase (decrease) in cash</b>                                      | <b>165,642</b>      | <b>(3,156,505)</b> | <b>46,980</b>      | <b>(12,873)</b>       | <b>(2,956,756)</b>           |
| Cash balance, beginning                                                     | 1,217,855           | 5,554,438          | 329,861            | 374,099               | 7,476,253                    |
| <b>Cash balance, ending</b>                                                 | <b>\$ 1,383,497</b> | <b>2,397,933</b>   | <b>376,841</b>     | <b>361,226</b>        | <b>4,519,497</b>             |
| <b>Cash reported on the statement of net position:</b>                      |                     |                    |                    |                       |                              |
| Cash and cash equivalents                                                   | \$ 819,162          | 656,761            | 376,841            | 303,451               | 2,156,215                    |
| Non-current restricted cash                                                 | 564,335             | 1,741,172          | -                  | 57,775                | 2,363,281                    |
| <b>Total cash and cash equivalents</b>                                      | <b>\$ 1,383,497</b> | <b>2,397,933</b>   | <b>376,841</b>     | <b>361,226</b>        | <b>4,519,497</b>             |

Town of Springdale  
**STATEMENT OF CASH FLOWS (continued)**  
For the Year Ended June 30, 2025

**Reconciliation of Operating Income to Net Cash  
Provided (Used) in Operating Activities:**

|                                                                                                             | Water<br>Fund      | Sewer<br>Fund  | Irrigation<br>Fund | Building<br>Authority | Total<br>Enterprise<br>Funds |
|-------------------------------------------------------------------------------------------------------------|--------------------|----------------|--------------------|-----------------------|------------------------------|
| <b>Net operating income (expense)</b>                                                                       | <b>\$ (73,735)</b> | <b>257,724</b> | <b>(53,178)</b>    | <b>6,465</b>          | <b>137,276</b>               |
| Adjustments to reconcile operating income or (loss)<br>to net cash provided (used) in operating activities: |                    |                |                    |                       |                              |
| Depreciation and amortization                                                                               | 361,191            | 66,131         | 31,269             | 32,581                | 491,173                      |
| Changes in assets and liabilities:                                                                          |                    |                |                    |                       |                              |
| (Increase) decrease in receivables                                                                          | 19,349             | (21,167)       | 6                  | -                     | (1,811)                      |
| (Increase) decrease in net pension assets                                                                   | -                  | -              | -                  | -                     | -                            |
| (Increase) decrease in deferred outflows                                                                    | 11,561             | 5,059          | 1,445              | -                     | 18,065                       |
| Increase (decrease) in payables                                                                             | 8,449              | 94,933         | (2,103)            | -                     | 101,279                      |
| Increase (decrease) in customer deposits                                                                    | (1,925)            | -              | -                  | -                     | (1,925)                      |
| Increase (decrease) in accrued payroll                                                                      | 2,811              | 1,592          | 316                | -                     | 4,718                        |
| Increase (decrease) in compensated absences                                                                 | (5,709)            | (706)          | (151)              | -                     | (6,566)                      |
| Increase (decrease) in net pension liability                                                                | 33,897             | 14,830         | 4,237              | -                     | 52,964                       |
| Increase (decrease) in deferred inflows                                                                     | 1,111              | 486            | 138                | -                     | 1,736                        |
| <b>Net cash provided (used) in operating activities</b>                                                     | <b>\$ 357,000</b>  | <b>418,881</b> | <b>(18,020)</b>    | <b>39,046</b>         | <b>796,907</b>               |

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**1-A. Reporting entity**

Town of Springdale (the Town), a municipal corporation located in Washington County, Utah, operates under a Mayor-Council form of government. The accompanying financial statements present the Town and its component units, entities for which the Town is considered to be financially accountable because of the significance of their operational or financial relationships with the Town.

The Town has no component units and is not a component unit of another entity.

**1-B. Government-wide and fund financial statements**

*Government-wide Financial Statements*

The government-wide financial statements, consisting of the statement of net position and the statement of activities report information on all the non-fiduciary activities of the primary government and its component units. For the most part, the effect of inter-fund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net position reports the financial position of the governmental and business-type activities of the Town and its discretely presented component units at year-end.

The statement of activities reports the expenses of a given function offset by program revenues directly connected with the functional program. A function is an assembly of similar activities and may include portions of a fund or summarize more than one fund to capture the expenses and program revenues associated with a distinct functional activity. Direct expenses are those that are clearly identifiable with a specific function or segment. Indirect expenses are not allocated. All expenses are included in the applicable function. Program revenues include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privilege provided by a given function or segment and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

*Fund Financial Statements*

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, if any, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statement.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-C. Measurement focus, basis of accounting and financial statement presentation**

The financial statements of the Town are prepared in accordance with generally accepted accounting principles (GAAP).

The government-wide statements are reported using the economic resources measurement focus and the accrual basis of accounting, generally including the reclassification of internal activity (between or within funds). However, internal eliminations do not include utility services provided to Town departments or payments to the general fund by other funds for providing administrative and billing services for such funds. Reimbursements are reported as reductions to expenses. Proprietary and any fiduciary fund financial statements are also reported using this same focus and basis of accounting although internal activity is not eliminated in these statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property tax revenues are recognized in the year for which they are levied while grants are recognized when the grantor eligibility requirements are met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. The Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, sales taxes, intergovernmental revenues, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments, if any, receivable within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating income and expense reported in proprietary fund financial statements include those revenues and expenses related to the primary, continuing operations of the fund. Principal operating revenues for proprietary funds are charges to customers for sales or services. Principal operating expenses are the costs of providing goods or services, including administrative expenses and depreciation of capital assets. Other revenues and expenses are classified as non-operating in the financial statements.

*Policy regarding use of restricted resources*

When faced with a choice, it is the Town's policy to use restricted resources first, then committed and assigned amounts before spending unassigned amounts. Restricted assets and liabilities payable from restricted assets current in nature are reported with current assets and current liabilities.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-D. Fund types and major funds**

*Governmental funds*

**The Town reports the following major governmental funds:**

The *general fund* is the Town's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *streets capital projects fund* is used to account for the acquisition or construction of major capital facilities relating to Town streets.

**The Town reports the following non-major governmental funds:**

The *parks capital projects fund* is used to account for the acquisition or construction of major capital facilities relating to Town parks.

The *transportation fund* was established during the year to account for the activities of metered parking and related parking citations.

*Proprietary funds*

**The Town reports the following major proprietary funds:**

The *water fund* is used to account for the activities of the culinary water production, treatment and distribution.

The *sewer fund* is used to account for the activities of the sewer collection and treatment operations.

**The Town reports the following non-major proprietary funds:**

The *irrigation fund* is used to account for the provision of irrigation water services to the residents of the Town.

The *Municipal Building Authority* is used to account for the issuance of debt and receipt of donations for the community center.

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity**

**1-E-1. Deposit and Investments**

Cash includes cash on hand, demand deposits with bank and other financial institutions, deposits in other types of accounts or cash management pools that have the general characteristics of demand deposit accounts and short-term investments with original maturities of three months or less from the date of acquisition. The Town's policy allows for investment in fund in time certificates of deposit with federally insured depositories, investment in the state treasurer's pool, and other investments as allowed by the State of Utah's Money Management Act. All investments are carried at fair value with unrealized gains and losses recorded as adjustments to interest earnings. Fair market values are based on quoted market prices.

**1-E-2. Cash and Cash Equivalents**

The Town's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.



Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity  
(continued)**

**1-E-3. Receivables and Payables**

Accounts receivable other than property taxes and intergovernmental receivables are from customers primarily for utility services. Property tax and intergovernmental receivables are considered collectible. Customer accounts are reported net of an allowance for uncollectible accounts, which is based on balances that are over 90 days past due.

During the course of operations, there may be transactions that occur between funds that are representative of lending/borrowing arrangements outstanding at year-end. These are reported as either due to or due from other funds.

Property taxes are assessed and collected for the Town by Washington County and remitted to the Town shortly after collection. Property taxes become a lien on January 1 and are levied on the first Monday in August. Taxes are due and payable on November 1, and are delinquent after November 30. All dates are in the year of levy.

**1-E-4. Restricted Assets**

In accordance with certain revenue bond covenants, resources may be required to be set aside for the repayment of such bonds, and, on occasion, for the repair and maintenance of the assets acquired with the bond proceeds. These resources are classified as restricted assets on the balance sheet because of their limited use. Most capital grant agreements mandate that grant proceeds be spent only on capital assets. Unspent resources of this nature are also classified as restricted. The limited use resources described above involve a reported restriction of both cash and net assets.

Unspent proceeds of bonds issued to finance capital assets are also reported as restricted cash.

**1-E-5. Inventories and Prepaid items**

Inventories in governmental funds are not reported. These consist of immaterial amounts of expendable supplies for consumption. Such supplies are acquired as needed.

Inventories for business-type funds, consisting of materials used in the extension and repair of the transmission, distribution, collection and treatment systems, are valued at cost and account for on a first in, first-out basis. Inventories have not been included in the financial statements and are not considered material. Market is considered as replacement costs.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements.

**1-E-6. Capital Assets**

Capital assets includes property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), and are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of \$5,000 or more and an estimated useful life in excess of two years. Such assets are recorded at historical cost or at estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. Infrastructure is depreciated.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity  
(continued)**

**1-E-6. Capital Assets (continued)**

The cost of normal maintenance and repairs that does not add to the value of an asset or materially extend the assets' life is not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

Upon retirement or disposition of capital assets, the cost and related accumulated depreciation are removed from the respective accounts. Depreciation of capital assets is computed using the straight-line method over their estimated useful lives.

Property, plant, and equipment of the primary government, as well as the component units if any, is depreciated using the straight-line method over the following estimated useful lives:

| <u>Assets</u>                  | <u>Years</u> |
|--------------------------------|--------------|
| Buildings and improvements     | 7-40         |
| Machinery and equipment        | 3-5          |
| Vehicles                       | 5-7          |
| Office furniture and equipment | 3-7          |
| Utility systems                | 40-50        |
| Infrastructure                 | 7-40         |

**1-E-7. Long-term Obligations**

In the government-wide and proprietary fund financial statements, long-term debt and obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund statement of net assets. Bond discounts or premiums, and the difference between the reacquisition price and the net carrying value of refunded debt are deferred and amortized over the terms of the respective bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period.

**1-E-8. Compensated Absences**

It is the Town's policy to permit employees to accumulate earned but unused vacation and comp time benefits. The liability for these compensated absences is recorded as long-term liabilities in the governmentwide statements. The current portion is estimated based on historical trends. In the fund financial statements, governmental funds report only the compensated absence liability payable from expendable available financial resources, while the proprietary funds report the liability as incurred. Accumulated holiday and sick leave hours are not paid out upon termination and are not accrued in the financial statements.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity  
(continued)**

**1-E-9. *Deferred Outflows/Inflows of Resources***

In addition to assets, the statement of net position will sometimes include a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Town reports deferred outflows of resources relating to pensions as required by GASB 68.

In addition to liabilities, the statement of net position will sometimes include a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until then. The Town has two types of items that qualify for reporting in this category. The governmental funds report deferred revenues from property taxes. These amounts are deferred and recognized as an inflow of resources in the period for which they are levied. The Town also reports deferred inflows related to pensions as required by GASB 68.

**1-E-10. *Pensions***

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Utah Retirement Systems Pension Plan (URS) and additions to/deductions from URS's fiduciary net position have been determined on the same basis as they are reported by URS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

**1-E-11. *Net position flow assumption***

Sometimes the Town will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted - net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted - net position to have been depleted before unrestricted – net position is applied.

**1-E-12. *Fund balance flow assumptions***

Sometimes the Town will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to reports as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the Town's policy to consider restricted fund balance to have been depleted before using and of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity  
(continued)**

**1-E-13. Fund balance policies**

Fund balance of governmental funds is reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The Town itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by formal action of the Town's highest level of decision-making authority. The governing council is the highest level of decision-making authority for the Town that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the Town for specific purposes but do not meet the criteria to be classified as committed. The council has authorized the Town Manager to assign fund balance. The council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriations in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

Unassigned fund balance is a residual classification of the General Fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to a specific purpose within the General Fund.

**1-F. Estimates**

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the amounts reported in the financial statements and the accompanying notes. Actual results may differ from those estimates.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**NOTE 2 - STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**2-A. Budgetary data**

Annual budgets are prepared and adopted by ordinance by total for each department, in accordance with State law, by the Mayor and Town Council on or before June 22 for the following fiscal year beginning July 1. Estimated revenues and appropriations may be increased or decreased by resolution of the Town Council at any time during the year. A public hearing must be held prior to any proposed increase in a fund's appropriations. Budgets include activities in the General Fund. The level of the Town's budgetary control (the level at which the Town's expenditures cannot legally exceed appropriations) is established at the department level. Each department head is responsible for operating within the budget for their department. All annual budgets lapse at fiscal year end.

Utah State law prohibits the Town from creating a deficit fund balance by making expenditures in excess of amounts budgeted. Any deficit so created must be made up in the following fiscal year. Deficits arising from emergencies, however, may be retired over five years. The maximum amount held in the general fund may not exceed 100% of the total actual revenue of the fund for the current year.

Once adopted, budget amendments which increase total expenditures must be approved by the Town Council following a public hearing. With the consent of the Mayor, department heads may reallocate unexpended appropriated balances from one expenditure account to another within that department during the budget year. Budgets for the General Fund are prepared on the modified accrual basis of accounting. Encumbrances are not used.

**2-B. Deficit fund balance or net position**

None of the Town's funds carries a deficit fund balance or net position.

**NOTE 3 - DETAILED NOTES**

**3-A. Deposits and investments**

Cash and investments as of June 30, 2025, consist of the following:

|                                   | <u>Fair Value</u>          |
|-----------------------------------|----------------------------|
| Deposits:                         |                            |
| Cash on hand                      | \$ 199                     |
| Cash in bank                      | 199,091                    |
| Investments:                      |                            |
| State Treasurer's Investment Pool | 4,446,266                  |
| Wells Fargo Investment            | <u>1,561,806</u>           |
| <b>Total cash</b>                 | <b><u>\$ 6,207,362</u></b> |

Cash and investments listed above are classified in the accompanying government-wide statement of net position as follows:

|                                                    |                            |
|----------------------------------------------------|----------------------------|
| Cash and cash equivalents (current)                | \$ 3,451,610               |
| Restricted cash and cash equivalents (non-current) | <u>2,755,752</u>           |
| <b>Total cash and cash equivalents</b>             | <b><u>\$ 6,207,362</u></b> |

Cash equivalents and investments are carried at fair value in accordance with GASB Statement No. 72.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-A. Deposits and investments (continued)**

The Utah Money Management Act (UMMA) establishes specific requirements regarding deposits of public funds by public treasurers. UMMA requires that Town funds be deposited with a qualified depository which includes any depository institution which has been certified by the Utah State Commissioner of Financial Institutions as having met the requirements specified in UMMA Section 51, Chapter 7. UMMA provides the formula for determining the amount of public funds which a qualified depository may hold in order to minimize risk of loss and also defines capital requirements which an Institution must maintain to be eligible to accept public funds. UMMA lists the criteria for investments and specifies the assets which are eligible to be invested in, and for some investments, the amount of time to maturity.

UMMA enables the State Treasurer to operate the Public Treasurer's Investment Pool (PTIF). PTIF is managed by the Utah State Treasurer's investment staff and comes under the regulatory authority of the Utah Money Management Council. This council is comprised of a select group of financial professionals from units of local and state government and financial institutions doing business in the state. PTIF operations and portfolio composition is monitored at least semi-annually by the Utah Money Management Council. PTIF is unrated by any nationally recognized statistical rating organizations. Deposits in PTIF are not insured or otherwise guaranteed by the State of Utah. Participants share proportionally in any realized gains or losses on investments which are recorded on an amortized cost basis. The balance available for withdrawal is based on the accounting records maintained by PTIF. The fair value of the investment pool is approximately equal to the value of the pool shares. The Town maintains monies not immediately needed for expenditure in PTIF accounts.

**Fair value of investments**

The Town measures and records its investments using fair value measurement guidelines established by generally accepted accounting principles. These guidelines recognize a three-tiered fair value hierarchy, as follows: Level 1--Quoted prices for identical investments in active markets; Level 2--Observable inputs other than quoted market prices; and, Level 3--Unobservable inputs. At June 30, 2025, the Town had \$4,446,266 invested in the PTIF and \$1,561,806 in Wells Fargo investments, which use a Level 2 fair value measurement.

**Deposit and investment risk**

The Town maintains no investment policy containing any specific provisions intended to limit the Town's exposure to interest rate risk, credit risk, and concentration of credit risk other than that imposed by UMMA. The Town's compliance with the provisions of UMMA addresses each of these risks.

**Interest rate risk**

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. All deposits and investments of the Town are available immediately.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-A. Deposits and investments (continued)**

**Credit risk**

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligations. Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits. At June 30, 2025, none of the Town's bank balance of \$199,091 was exposed to risk for being uninsured and uncollateralized.

Custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. This risk is addressed through the policy of investing excess monies only in PTIF.

**Concentration of credit risk**

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. PTIF falls under the constraints of UMMA in limiting concentrations of investments.

**3-B. Receivables**

The allowance policy is described in Note 1-E-3. Receivables as of year-end for the Town's funds are shown below:

|                                   | General<br>Fund     | Water<br>Fund  | Sewer<br>Fund | Irrigation<br>Fund | Total            |
|-----------------------------------|---------------------|----------------|---------------|--------------------|------------------|
| Due from other governments        | \$ 1,102,053        | -              | -             | -                  | 1,102,053        |
| Property taxes                    | 117,600             | -              | -             | -                  | 117,600          |
| Customers                         | 26,377              | 103,618        | 84,983        | 3,670              | 218,648          |
| <b>Total receivables</b>          | <b>1,246,030</b>    | <b>103,618</b> | <b>84,983</b> | <b>3,670</b>       | <b>1,438,300</b> |
| Less allowance for uncollectibles | -                   | (521)          | (427)         | (18)               | (967)            |
| <b>Net receivables</b>            | <b>\$ 1,246,030</b> | <b>103,096</b> | <b>84,556</b> | <b>3,651</b>       | <b>1,437,333</b> |

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-C. Capital assets**

Capital asset activity for governmental activities was as follows:

| <b>Governmental activities</b>                     | Beginning<br>Balance | Additions        | Retirements      | Ending<br>Balance |
|----------------------------------------------------|----------------------|------------------|------------------|-------------------|
| Capital assets, not being depreciated:             |                      |                  |                  |                   |
| Land and rights                                    | \$ 3,245,025         | -                | -                | 3,245,025         |
| Construction in progress                           | 1,452,493            | 1,170,332        | 1,931,001        | 691,824           |
| <b>Total capital assets, not being depreciated</b> | <b>4,697,518</b>     | <b>1,170,332</b> | <b>1,931,001</b> | <b>3,936,849</b>  |
| Capital assets, being depreciated:                 |                      |                  |                  |                   |
| Buildings                                          | 1,069,414            | 30,475           | -                | 1,099,889         |
| Improvements other than buildings                  | 1,755,576            | 212,589          | -                | 1,968,165         |
| Office furniture and equipment                     | 39,615               | -                | -                | 39,615            |
| Computer equipment                                 | 8,000                | -                | -                | 8,000             |
| Machinery and equipment                            | 1,003,013            | -                | -                | 1,003,013         |
| Vehicles                                           | 1,118,956            | -                | -                | 1,118,956         |
| Infrastructure                                     | 6,622,795            | 1,687,937        | -                | 8,310,733         |
| <b>Total capital assets, being depreciated</b>     | <b>11,617,369</b>    | <b>1,931,001</b> | <b>-</b>         | <b>13,548,370</b> |
| Less accumulated depreciation for:                 |                      |                  |                  |                   |
| Buildings                                          | 379,402              | 27,024           | -                | 406,426           |
| Improvements other than buildings                  | 834,252              | 88,560           | -                | 922,813           |
| Office furniture and equipment                     | 39,572               | 43               | -                | 39,615            |
| Computer equipment                                 | 8,000                | -                | -                | 8,000             |
| Machinery and equipment                            | 658,633              | 59,985           | -                | 718,619           |
| Vehicles                                           | 552,453              | 138,942          | -                | 691,394           |
| Infrastructure                                     | 1,130,806            | 184,364          | -                | 1,315,169         |
| <b>Total accumulated depreciation</b>              | <b>3,603,119</b>     | <b>498,917</b>   | <b>-</b>         | <b>4,102,036</b>  |
| <b>Total capital assets being depreciated, net</b> | <b>8,014,250</b>     | <b>1,432,084</b> | <b>-</b>         | <b>9,446,334</b>  |
| <b>Governmental activities capital assets, net</b> | <b>\$ 12,711,768</b> | <b>2,602,415</b> | <b>1,931,001</b> | <b>13,383,183</b> |

Depreciation expense was charged to functions/programs of the primary government governmental activities as follows:

|                                 |                   |
|---------------------------------|-------------------|
| <b>Governmental activities:</b> |                   |
| General government              | \$ 27,394         |
| Public safety                   | 95,315            |
| Public works                    | 250,557           |
| Parks and recreation            | 74,146            |
| Community development           | 17,186            |
| Transportation                  | 34,318            |
| <b>Total</b>                    | <b>\$ 498,917</b> |



Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-C. Capital assets (continued)**

Capital asset activity for the business-type activities was as follows:

| <b>Business-type activities</b>                     | Beginning<br>Balance | Additions        | Retirements | Ending<br>Balance |
|-----------------------------------------------------|----------------------|------------------|-------------|-------------------|
| Capital assets, not being depreciated:              |                      |                  |             |                   |
| Land and rights                                     | \$ 291,344           | -                | -           | 291,344           |
| Construction in progress                            | 970,580              | 3,625,566        | -           | 4,596,146         |
| <b>Total capital assets, not being depreciated</b>  | <b>1,261,925</b>     | <b>3,625,566</b> | <b>-</b>    | <b>4,887,491</b>  |
| Capital assets, being depreciated:                  |                      |                  |             |                   |
| Buildings                                           | 1,287,256            | -                | -           | 1,287,256         |
| Improvements                                        | 60,842               | -                | -           | 60,842            |
| Water distribution system                           | 14,460,625           | -                | -           | 14,460,625        |
| Sewer collection and treatment system               | 2,466,999            | 14,963           | -           | 2,481,961         |
| Irrigation system                                   | 989,235              | -                | -           | 989,235           |
| Machinery and equipment                             | 910,517              | -                | -           | 910,517           |
| Vehicles                                            | 446,856              | -                | -           | 446,856           |
| <b>Total capital assets, being depreciated</b>      | <b>20,622,331</b>    | <b>14,963</b>    | <b>-</b>    | <b>20,637,293</b> |
| Less accumulated depreciation for:                  |                      |                  |             |                   |
| Buildings                                           | 549,950              | 32,181           | -           | 582,131           |
| Improvements                                        | 60,141               | 400              | -           | 60,541            |
| Water distribution system                           | 3,603,293            | 323,389          | -           | 3,926,682         |
| Sewer collection and treatment system               | 2,035,142            | 52,051           | -           | 2,087,193         |
| Irrigation system                                   | 512,500              | 24,371           | -           | 536,871           |
| Machinery and equipment                             | 569,409              | 32,817           | -           | 602,226           |
| Vehicles                                            | 384,745              | 25,964           | -           | 410,710           |
| <b>Total accumulated depreciation</b>               | <b>7,715,181</b>     | <b>491,173</b>   | <b>-</b>    | <b>8,206,354</b>  |
| <b>Total capital assets being depreciated, net</b>  | <b>12,907,150</b>    | <b>(476,210)</b> | <b>-</b>    | <b>12,430,939</b> |
| <b>Business-type activities capital assets, net</b> | <b>\$ 14,169,075</b> | <b>3,149,355</b> | <b>-</b>    | <b>17,318,430</b> |

Depreciation expense was charged to functions/programs of the primary government business-type activities as follows:

|                                  |                   |
|----------------------------------|-------------------|
| <b>Business-type activities:</b> |                   |
| Water                            | \$ 361,191        |
| Sewer                            | 66,131            |
| Irrigation                       | 31,269            |
| Building Authority               | 32,581            |
| <b>Total</b>                     | <b>\$ 491,173</b> |

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-D. Long-term debt**

Long-term debt activity for the business-type activities was as follows:

|                                                               | Original<br>Principal | %<br>Rate | Beginning<br>Balance | Additions        | Reductions     | Ending<br>Balance | Due<br>Within<br>One Year |
|---------------------------------------------------------------|-----------------------|-----------|----------------------|------------------|----------------|-------------------|---------------------------|
| 2006 MBA Lease Revenue                                        |                       |           |                      |                  |                |                   |                           |
| Matures 3/1/2024                                              | \$ 1,200,000          | -         | \$ 629,000           | -                | 42,000         | 587,000           | 43,000                    |
| 2012 Water Revenue                                            |                       |           |                      |                  |                |                   |                           |
| Matures 3/1/2030                                              | 100,000               | 2.50      | 38,213               | -                | 5,000          | 33,213            | 5,000                     |
| 2009 Sales Tax Revenue                                        |                       |           |                      |                  |                |                   |                           |
| Matures 5/1/2035                                              | 2,000,000             | 0.01      | 1,075,000            | -                | 67,000         | 1,008,000         | 67,000                    |
| 2017 Water Treatment Plant Bond                               |                       |           |                      |                  |                |                   |                           |
| Matures 10/1/2049                                             | 5,742,000             | 0.50      | 4,843,000            | -                | 182,000        | 4,661,000         | 183,000                   |
| 2024 Sewer Revenue                                            |                       |           |                      |                  |                |                   |                           |
| Matures 10/1/2054                                             | 4,716,000             | 2.00      | -                    | 4,716,000        | -              | 4,716,000         | 116,000                   |
| 2024 MBA Lease Revenue                                        |                       |           |                      |                  |                |                   |                           |
| Matures 3/15/2035                                             | 1,410,000             | 4.40      | -                    | 1,410,000        | -              | 1,410,000         | 115,000                   |
| <b>Total business-type activity<br/>long-term liabilities</b> |                       |           | <b>\$ 6,585,213</b>  | <b>6,126,000</b> | <b>296,000</b> | <b>12,415,213</b> | <b>529,000</b>            |

Bond debt service requirements to maturity for business-type activities are as follows:

|              | Principal            | Interest         | Total             |
|--------------|----------------------|------------------|-------------------|
| 2026         | \$ 529,000           | 205,320          | 734,320           |
| 2027         | 540,000              | 195,280          | 735,280           |
| 2028         | 551,000              | 184,920          | 735,920           |
| 2029         | 561,000              | 174,216          | 735,216           |
| 2030         | 572,000              | 163,212          | 735,212           |
| 2030 - 2034  | 3,022,213            | 637,629          | 3,659,842         |
| 2035 - 2039  | 2,121,000            | 387,000          | 2,508,000         |
| 2040 - 2044  | 1,811,000            | 274,095          | 2,085,095         |
| 2045 - 2049  | 1,715,000            | 164,170          | 1,879,170         |
| 2050 - 2054  | 993,000              | 60,360           | 1,053,360         |
| 2055         | -                    | 4,140            | 4,140             |
| <b>Total</b> | <b>\$ 12,415,213</b> | <b>2,450,342</b> | <b>14,865,555</b> |

The Town has outstanding bonds and other direct borrowings related to business-type activities secured with their respective revenues and/or property and equipment as collateral.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**3-D. Long-term debt (continued)**

**Other long-term liabilities:**

|                               | Beginning           | Increase<br>(Decrease) | Ending           |
|-------------------------------|---------------------|------------------------|------------------|
| <b>Compensated absences:</b>  |                     |                        |                  |
| Governmental                  | \$ 114,008          | (1,919)                | 112,089          |
| Business-type                 | 24,949              | (6,566)                | 18,383           |
| <b>Total</b>                  | <b>\$ 138,957</b>   | <b>(8,485)</b>         | <b>130,472</b>   |
| <b>Net pension liability:</b> |                     |                        |                  |
| Governmental                  | \$ 770,468          | 158,889                | 929,356          |
| Business-type                 | 256,823             | 52,964                 | 309,786          |
| <b>Total</b>                  | <b>\$ 1,027,290</b> | <b>211,852</b>         | <b>1,239,142</b> |

**3-E. Interfund transfers**

The Town had the following interfund transfers for year ended June 30, 2025:

**Interfund transfers:**

|                               | Transfers In        | Transfers Out    |
|-------------------------------|---------------------|------------------|
| General fund                  | \$ 1,396,000        | 2,531,396        |
| Streets capital projects fund | 1,500,605           | -                |
| Transportation fund           | 900,000             | 6,000            |
| Water fund                    | 64,511              | -                |
| Sewer fund                    | 1,280               | -                |
| Irrigation fund               | 65,000              | -                |
| Building authority fund       | -                   | 1,390,000        |
| <b>Total</b>                  | <b>\$ 3,927,396</b> | <b>3,927,396</b> |

The Town generally makes interfund transfers so cash can be accumulated for large capital projects and loan payments in applicable funds.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**NOTE 4 - OTHER INFORMATION**

**4-A. Risk management**

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The Town participates in the Utah Local Government Trust, a public agency insurance mutual, which provides coverage for property damage and general liability. The Town is subject to a minimal deductible for claims. There have been no significant reductions in insurance coverage from coverage in the prior year. Amounts of settlements have not exceeded insurance coverage in any of the past three fiscal years.

**4-B. Rounding convention**

A rounding convention to the nearest whole dollar has been applied throughout this report, therefore the precision displayed in any monetary amount is plus or minus \$1. These financial statements are computer generated and the rounding convention is applied to each amount displayed in a column, whether detail item or total. As a result, without the overhead cost of manually balancing each column, the sum of displayed amounts in a column may not equal the total displayed. The maximum difference between any displayed number or total and its actual value will not be more than \$1.

**4-C. Garbage Contract**

Garbage disposal services are provided to the residents of the Town by the Washington County Solid Waste Special Service District. The Town bills for these services as part of its water billings and the revenues and corresponding expenditures related to such services are included in the Water Fund. Amounts due to these entities, if any, are included with the accounts payable in the Water Fund Statement of Net Position.

**4-D. Contingencies and Commitments**

The Town was involved in a project to develop a municipal golf course. In connection with that project, the Town has become involved in the following:

On January 7, 1993, the Town signed a Mutual Release and Settlement Agreement which provides, among other things, for the payment of \$72,500 to Zion Park Resort Limited Partnership. The agreement was a result of efforts to settle a long-standing dispute between the Town and Zion Park Resort over payments made by Zion Park Resort for the development of water and a municipal golf course. The settlement agreement called for payment of \$45,000 in legal fees and \$27,500 for repurchase of water hookups. The \$45,000 payment for legal fees was included with legal fee expenditures during the year ended June 30, 1993, and the \$27,500 of water hookups was used to reduce the unearned revenue collected from Zion Park Resort. Zion Park Resort had advanced the Town \$210,000 in connection with the aforementioned development. \$70,097 of the unearned revenue from Zion Park Resort represents prepayment for water connections.

The Town has the right to repurchase any of the unused connections at the rate of 15% of any of the unused connections per year at \$1,000 each, plus interest, commencing five years after the last permit was issued. As of June 30, 2024, there is a balance of \$55,340 in unearned revenue, all of which was advanced by Zion Park Resort.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans**

**General Information about the Pension Plan:**

**Plan description:**

Eligible plan participants are provided with pensions through the Utah Retirement Systems. The Utah Retirement Systems are comprised of the following Pension Trust Funds:

**Defined Benefit Plans**

- Public Employees Noncontributory Retirement System (Noncontributory System) is a multiple employer, cost sharing, retirement system;
- Public Safety Retirement System (Public Safety System) is a mixed agent and cost sharing, multiple employer public employee retirement system;
- Tier 2 Public Employees Contributory Retirement System (Tier 2 Public Employees System) is a multiple employer, cost sharing, public employee retirement system;
- Tier 2 Public Safety and Firefighter Contributory Retirement System (Tier 2 Public Safety and Firefighters System) is a multiple-employer, cost sharing, public employee retirement system.

The Tier 2 Public Employees System became effective July 1, 2011. All eligible employees beginning on or after July 1, 2011, who have no previous service credit with any of the Utah Retirement Systems, are members of the Tier 2 Retirement System.

The Utah Retirement Systems (Systems) are established and governed by the respective sections of Title 49 of the Utah Code Annotated 1953, as amended. The Systems' defined benefit plans are amended statutorily by the State Legislature. The Utah State Retirement Office Act in Title 49 provides for the administration of the Systems under the direction of the Utah State Retirement Board, whose members are appointed by the Governor. The Systems are fiduciary funds defined as pension (and other employee benefit) trust funds. URS is a component unit of the State of Utah. Title 49 of the Utah Code grants the authority to establish and amend the benefit terms.

URS issues a publicly available financial report that can be obtained by writing Utah Retirement Systems, 560 E. 200 S, Salt Lake Town, Utah 84102 or visiting the website: [www.urs.org/general/publications](http://www.urs.org/general/publications).

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans (continued)**

**Benefits provided:**

URS provides retirement, disability, and death benefits. Retirement benefits are as follows:

| System                                      | Final Average Salary | Years of service required and/or age eligible for benefit | Benefit percentage per year of service                                | Cola **                                 |
|---------------------------------------------|----------------------|-----------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------|
| Noncontributory System                      | Highest 3 Years      | 30 years any age                                          | 2.0% per year all years                                               | Up to 4%                                |
|                                             |                      | 25 years any age*                                         |                                                                       |                                         |
|                                             |                      | 20 years age 60*                                          |                                                                       |                                         |
|                                             |                      | 10 years age 62*                                          |                                                                       |                                         |
|                                             |                      | 4 years age 65                                            |                                                                       |                                         |
| Public Safety System                        | Highest 3 Years      | 20 years an age                                           | 2.5% per year up to 20 years;                                         | Up to 2.5 % to 4% depending on employer |
|                                             |                      | 10 years age 60                                           | 2.0% per year over 20 years                                           |                                         |
|                                             |                      | 4 years age 65                                            |                                                                       |                                         |
| Tier 2 Public Employees System              | Highest 5 Years      | 35 years any age                                          | 1.5% per year all years                                               | Up to 2.5%                              |
|                                             |                      | 20 years any age 60*                                      |                                                                       |                                         |
|                                             |                      | 10 years age 62*                                          |                                                                       |                                         |
|                                             |                      | 4 years age 65                                            |                                                                       |                                         |
| Tier 2 Public Safety and Firefighter System | Highest 5 Years      | 25 years any age                                          | 1.5% per year to June 30, 2020; 2.0% per year July 1, 2020 to present | Up to 2.5%                              |
|                                             |                      | 20 years any age 60*                                      |                                                                       |                                         |
|                                             |                      | 10 years age 62*                                          |                                                                       |                                         |
|                                             |                      | 4 years age 65                                            |                                                                       |                                         |

\* with actuarial reductions

\*\* All past-retirement cost-of-living adjustments are non-compounding and are based on the original benefit except for Judges, which is a compounding benefit. The cost-of-living adjustments are also limited to the actual Consumer Price Index (CPI) increase for the year, although unused CPI increases not met may be carried forward to subsequent years.

**Contributions:**

As a condition of participation in the Systems, employers and/or employees are required to contribute certain percentages of salary and wages as authorized by statute and specified by the Utah State Retirement Board. Contributions are actuarially determined as an amount that, when combined with employee contributions (where applicable) is expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded actuarial accrued liability. Contribution rates as of June 30, 2025, are as follows:

| <b>Utah Retirement Systems</b>       | Employee | Employer | Employer 401(k) Plan |
|--------------------------------------|----------|----------|----------------------|
| Contributory System                  |          |          |                      |
| 111 - Local Government Div - Tier 2  | 0.70     | 15.19    | -                    |
| Noncontributory System               |          |          |                      |
| 15 - Local Government Div - Tier 1   | -        | 16.97    | -                    |
| Public Safety System                 |          |          |                      |
| Contributory                         |          |          |                      |
| 122 - Tier 2 DB Hybrid Public Safety | 4.73     | 25.33    | -                    |
| Noncontributory                      |          |          |                      |
| 43 - Other Div A with 2.5% COLA      | -        | 34.04    | -                    |
| Tier 2 DC Only                       |          |          |                      |
| 211 - Local Government               | -        | 5.19     | 10.00                |
| 222 - Public Safety                  | -        | 11.33    | 14.00                |

\*\*\*Tier 2 rates include a statutory required contribution to finance the unfunded actuarial accrued liability of the Tier 1 plans.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans (continued)**

For the fiscal year ended June 30, 2025, the employer and employee contributions to the Systems were as follows:

| <b>System</b>                          | <b>Employer<br/>Contributions</b> | <b>Employee<br/>Contributions</b> |
|----------------------------------------|-----------------------------------|-----------------------------------|
| Noncontributory System                 | \$ 149,536                        | -                                 |
| Public Safety System                   | 349,897                           | -                                 |
| Tier 2 Public Employees System         | 154,703                           | 7,129                             |
| Tier 2 Public Safety and Firefighter   | 11,963                            | 2,234                             |
| Tier 2 DC Public Employees Plan System | 2,551                             | -                                 |
| <b>Total Contributions</b>             | <b>\$ 668,649</b>                 | <b>9,363</b>                      |

Contributions reported are the URS Board approved required contributions by System. Contributions in the Tier 2 Systems are used to finance the unfunded liabilities in the Tier 1 Systems.

***Pension Assets, Liabilities, Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions***

At June 30, 2025, we reported a net pension asset of \$0 and a net pension liability of \$1,239,142.

|                                    | <u>(Measurement Date): December 31, 2024</u> |                          |                        |                                      |                      |
|------------------------------------|----------------------------------------------|--------------------------|------------------------|--------------------------------------|----------------------|
|                                    | Net Pension<br>Asset                         | Net Pension<br>Liability | Proportionate<br>Share | Proportionate<br>Share<br>12/31/2023 | Change<br>(Decrease) |
| Noncontributory System             | \$ -                                         | \$ 335,791               | 0.1059060%             | 0.0979283%                           | 0.0079623%           |
| Public Safety System               | -                                            | 793,655                  | 0.5129283%             | 0.5128627%                           | 0.0000656%           |
| Tier 2 Public Employees System     | -                                            | 103,456                  | 0.0346890%             | 0.0342489%                           | 0.0004401%           |
| Tier 2 Public Safety & Firefighter | -                                            | 6,240                    | 0.0137965%             | 0.0000000%                           | 0.0137965%           |
| <b>Total</b>                       | <b>\$ -</b>                                  | <b>\$ 1,239,142</b>      |                        |                                      |                      |

The net pension asset and liability was measured as of December 31, 2024, and the total pension liability used to calculate the net pension asset and liability was determined by an actuarial valuation as of January 1, 2024 and rolled-forward using generally accepted actuarial procedures. The proportion of the net pension asset and liability is equal to the ratio of the employer's actual contributions to the Systems during the plan year over the total of all employer contributions to the System during the plan year.

For the year ended June 30, 2025, we recognize pension expense of \$958,852.

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans (continued)**

At June 30, 2025, we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

|                                                                                                         | Deferred Outflows<br>of Resources | Deferred Inflows<br>of Resources |
|---------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------|
| Difference between expected and actual experience                                                       | \$ 332,452                        | \$ 1,041                         |
| Changes in assumptions                                                                                  | 65,829                            | 109                              |
| Net difference between projected and actual earnings on<br>pension plan investments                     | 245,521                           | -                                |
| Changes in proportion and differences between contributions<br>and proportionate share of contributions | 15,646                            | 9,024                            |
| Contributions subsequent to the measurement date                                                        | 308,845                           | -                                |
| <b>Total</b>                                                                                            | <b>\$ 968,292</b>                 | <b>\$ 10,174</b>                 |

\$308,845 was reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2024.

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

| <u>Year Ended December 31,</u> | Net Deferred<br>Outflows (Inflows)<br>of Resources |
|--------------------------------|----------------------------------------------------|
| 2024                           | \$ 267,686                                         |
| 2025                           | 120,770                                            |
| 2026                           | 359,249                                            |
| 2027                           | (71,689)                                           |
| 2028                           | 6,880                                              |
| Thereafter                     | 30,803                                             |

**Actuarial assumptions:**

The total pension liability in the December 31, 2024, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

|                           |                                                                              |
|---------------------------|------------------------------------------------------------------------------|
| Inflation                 | 2.50 Percent                                                                 |
| Salary increases          | 3.50 - 9.50 percent, average, including inflation                            |
| Investment rate of return | 6.85 percent, net of pension plan investment<br>expense, including inflation |

Mortality rates were adopted from an actuarial experience study dated January 1, 2024. The retired mortality tables are developed using URS retiree experience and are based upon gender, occupation, and age as appropriate with projected improvement using the ultimate rates from the MP-2020 improvement scale using a base year of 2020. The mortality assumption for active members is the PUB-2010 Employees Mortality Table for public employees, teachers, and public safety members, respectively.

The actuarial assumptions used in the January 1, 2023, valuation were based on the results of an actuarial experience study for the period ending December 31, 2022.



Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans (continued)**

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best- estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

| <b>Assets class</b>                | <b>Expected Return Arithmetic Basis</b> |                              |                                                  |
|------------------------------------|-----------------------------------------|------------------------------|--------------------------------------------------|
|                                    | Target Asset Allocation                 | Real Return Arithmetic Basis | Long Term expected portfolio real rate of return |
| Equity securities                  | 35%                                     | 7.01%                        | 2.45%                                            |
| Debt securities                    | 20%                                     | 2.54%                        | 0.51%                                            |
| Real assets                        | 18%                                     | 54.45%                       | 0.98%                                            |
| Private equity                     | 12%                                     | 10.05%                       | 1.21%                                            |
| Absolute return                    | 15%                                     | 4.36%                        | 0.65%                                            |
| Cash and cash equivalents          | 0%                                      | 0.49%                        | 0.00%                                            |
| <b>Totals</b>                      | <b>100.00%</b>                          |                              | <b>5.80%</b>                                     |
| Inflation                          |                                         |                              | 2.50%                                            |
| Expected arithmetic nominal return |                                         |                              | 8.30%                                            |

The 6.85% assumed investment rate of return is comprised of an inflation rate of 2.50%, a real return of 4.35% that is net of investment expense.

**Discount rate:**

The discount rate used to measure the total pension liability was 6.85 percent. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the current contribution rate, and that contributions from all participating employers will be made at contractually required rates that are actuarially determined and certified by the URS Board. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current, active, and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments, to determine the total pension liability. The discount rate does not use the Municipal Bond Index Rate.

**Sensitivity of the proportionate share of the net pension asset and liability to changes in the discount rate:**

The following presents the proportionate share of the net pension liability calculated using the discount rate of 6.85 percent, as well as what the proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.85 percent) or 1-percentage-point higher (7.85 percent) than the current rate:

| <b>System</b>                        | 1% Decrease<br>(5.85%) | Discount Rate<br>(6.85%) | 1% Increase<br>(7.85%) |
|--------------------------------------|------------------------|--------------------------|------------------------|
| Noncontributory System               | \$ 1,420,122           | \$ 335,791               | \$ (573,611)           |
| Public Safety System                 | 2,438,222              | 793,655                  | (548,286)              |
| Tier 2 Public Employees System       | 308,998                | 103,456                  | (56,435)               |
| Tier 2 Public Safety and Firefighter | 21,278                 | 6,240                    | (5,783)                |
| <b>Total</b>                         | <b>\$ 4,188,620</b>    | <b>\$ 1,239,142</b>      | <b>\$ (1,184,116)</b>  |

Town of Springdale  
**NOTES TO FINANCIAL STATEMENTS**  
June 30, 2025

**4-E. Pension Plans (continued)**

**Pension plan fiduciary net position:**

Detailed information about the pension plan's fiduciary net position is available in the separately issued URS financial report.

**Defined Contribution Savings Plan:**

The Defined Contribution Savings Plans are administered by the Utah Retirement Systems Board and are generally supplemental plans to the basic retirement benefits of the Retirement Systems, but may also be used as a primary retirement plan. These plans are voluntary tax-advantaged retirement savings programs authorized under sections 401(k), 457(b) and 408 of the Internal Revenue code. Detailed information regarding plan provisions is available in the separately issued URS financial report. The Town participates in the following Defined Contribution Savings Plans with the Utah Retirement Systems:

- 401(k) Plan
- 457(b) Plan
- Roth IRA Plan

Employee and employer contributions to the Utah Retirement Contribution Savings Plans for fiscal year ended June 30, were as follows:

|                        | <u>2025</u> | <u>2024</u> | <u>2023</u> |
|------------------------|-------------|-------------|-------------|
| 401(k) Plan            |             |             |             |
| Employer Contributions | \$ 22,472   | \$ 21,148   | \$ 32,557   |
| Employee Contributions | 50,103      | 65,066      | 38,208      |
| 457(b) Plan            |             |             |             |
| Employer Contributions | -           | -           | -           |
| Employee Contributions | 6,208       | 11,913      | 8,562       |
| Roth IRA Plan          |             |             |             |
| Employer Contributions | N/A         | N/A         | N/A         |
| Employee Contributions | 23,656      | 21,265      | 22,169      |

**4-F. Subsequent Events**

In preparing these financial statements, the Town has evaluated subsequent events and transactions for potential recognition or disclosure through the date of the audit report, the date the financial statements were available to be issued.

**REQUIRED SUPPLEMENTARY INFORMATION**  
**(Unaudited)**

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Town of Springdale  
**Notes to Required Supplementary Information**  
June 30, 2025

**Budgetary Comparison Schedules**

The Budgetary Comparison Schedule presented in this section of the report is for the Town's General Fund.

**Budgeting and Budgetary Control**

The budget for the General Fund is legally required and is prepared and adopted on the modified accrual basis of accounting.

Original budgets represent the revenue estimates and spending authority authorized by the Town Council prior to the beginning of the year. Final budgets represent the original budget amounts plus any amendments made to the budget during the year by the Council through formal resolution. Final budgets do not include unexpended balances from the prior year because such balances automatically lapse to unreserved fund balance at the end of each year.

**Current Year Excess of Expenditures over Appropriations**

For the year ended June 30, 2024, total expenditures were under budgeted expenditures.

**Changes in Assumptions Related to Pensions**

There were no changes in the actuarial assumptions or methods since the prior actuarial valuation.

Town of Springdale  
**SCHEDULE OF REVENUES, EXPENDITURES AND  
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL  
GENERAL FUND**  
For the Year Ended June 30, 2025

|                                                                      | Budgeted<br>Original | Budgeted<br>Final | Actual           | Variance with<br>Final Budget |
|----------------------------------------------------------------------|----------------------|-------------------|------------------|-------------------------------|
| <b>REVENUES</b>                                                      |                      |                   |                  |                               |
| Taxes:                                                               |                      |                   |                  |                               |
| Property                                                             | \$ 88,555            | 88,386            | 88,387           | 1                             |
| Sales                                                                | 960,000              | 960,000           | 1,013,585        | 53,585                        |
| Other taxes                                                          | 3,659,000            | 3,646,785         | 3,954,274        | 307,489                       |
| License and permits                                                  | 103,800              | 117,855           | 133,434          | 15,579                        |
| Intergovernmental revenues                                           | 200,500              | 342,713           | 333,962          | (8,751)                       |
| Charges for services                                                 | 64,400               | 74,786            | 78,329           | 3,543                         |
| Fines and forfeitures                                                | 40,000               | 47,108            | 44,727           | (2,381)                       |
| Interest                                                             | 96,000               | 48,930            | 174,129          | 125,199                       |
| Miscellaneous revenue                                                | 70,790               | 67,868            | 67,953           | 85                            |
| <b>Total revenues</b>                                                | <b>5,283,045</b>     | <b>5,394,431</b>  | <b>5,888,781</b> | <b>494,350</b>                |
| <b>EXPENDITURES</b>                                                  |                      |                   |                  |                               |
| General government                                                   | 1,358,552            | 1,819,096         | 1,443,482        | 375,614                       |
| Public safety                                                        | 1,001,509            | 1,013,465         | 989,431          | 24,034                        |
| Public works                                                         | 145,839              | 142,078           | 134,338          | 7,740                         |
| Culture and recreation                                               | 246,132              | 235,773           | 218,870          | 16,904                        |
| Community development                                                | 1,377,112            | 3,035,926         | 3,158,482        | (122,556)                     |
| <b>Total expenditures</b>                                            | <b>4,129,144</b>     | <b>6,246,338</b>  | <b>5,944,603</b> | <b>301,735</b>                |
| <b>Excess (Deficiency) of Revenues over<br/>(Under) Expenditures</b> | <b>1,153,901</b>     | <b>(851,907)</b>  | <b>(55,822)</b>  | <b>796,085</b>                |
| <b>Other Financing Sources and (Uses)</b>                            |                      |                   |                  |                               |
| Sale of capital assets                                               | -                    | 796,586           | 796,586          | 0                             |
| Transfers in                                                         | 6,000                | 1,396,000         | 1,396,000        | -                             |
| Transfers out                                                        | (600,791)            | (2,270,791)       | (2,531,396)      | (260,605)                     |
| <b>Total other financing sources and (uses)</b>                      | <b>(594,791)</b>     | <b>(78,205)</b>   | <b>(338,809)</b> | <b>(260,604)</b>              |
| <b>Net Change in Fund Balances</b>                                   | <b>559,110</b>       | <b>(930,112)</b>  | <b>(394,632)</b> | <b>535,480</b>                |
| Fund balances - beginning of year                                    | 451,699              | 451,699           | 451,699          | -                             |
| <b>Fund balance - end of year</b>                                    | <b>\$ 1,010,809</b>  | <b>(478,413)</b>  | <b>57,067</b>    | <b>535,480</b>                |

Town of Springdale  
**SCHEDULE OF THE PROPORTIONATE SHARE OF THE NET PENSION LIABILITY**  
June 30, 2025  
Last 10 Fiscal Years

[illegible]

Town of Springdale  
**SCHEDULE OF CONTRIBUTIONS**  
June 30, 2025  
Last 10 Fiscal Years

|                                                     | As of fiscal<br>year ended<br>June 30, | Actuarial<br>Determined<br>Contributions | Contributions in relation<br>to the contractually<br>required contribution | Contribution<br>deficiency<br>(excess) | Covered<br>employee<br>payroll | Contributions as a<br>percentage of<br>covered employee<br>payroll |
|-----------------------------------------------------|----------------------------------------|------------------------------------------|----------------------------------------------------------------------------|----------------------------------------|--------------------------------|--------------------------------------------------------------------|
| <b>Noncontributory System</b>                       | 2016                                   | 105,544                                  | 105,544                                                                    | -                                      | 576,998                        | 18.29%                                                             |
|                                                     | 2017                                   | 97,812                                   | 97,812                                                                     | -                                      | 529,574                        | 18.47%                                                             |
|                                                     | 2018                                   | 96,082                                   | 96,082                                                                     | -                                      | 520,204                        | 18.47%                                                             |
|                                                     | 2019                                   | 108,495                                  | 108,495                                                                    | -                                      | 587,410                        | 18.47%                                                             |
|                                                     | 2020                                   | 113,818                                  | 113,818                                                                    | -                                      | 616,230                        | 18.47%                                                             |
|                                                     | 2021                                   | 112,397                                  | 112,397                                                                    | -                                      | 608,537                        | 18.47%                                                             |
|                                                     | 2022                                   | 123,961                                  | 123,961                                                                    | -                                      | 671,147                        | 18.47%                                                             |
|                                                     | 2023                                   | 140,420                                  | 140,420                                                                    | -                                      | 781,413                        | 17.97%                                                             |
|                                                     | 2024                                   | 152,965                                  | 152,965                                                                    | -                                      | 851,224                        | 17.97%                                                             |
|                                                     | 2025                                   | 149,536                                  | 149,536                                                                    | -                                      | 881,175                        | 16.97%                                                             |
| <b>Public Safety System</b>                         | 2016                                   | 68,894                                   | 68,894                                                                     | -                                      | 212,217                        | 32.46%                                                             |
|                                                     | 2017                                   | 104,419                                  | 104,419                                                                    | -                                      | 306,754                        | 34.04%                                                             |
|                                                     | 2018                                   | 168,861                                  | 168,861                                                                    | -                                      | 496,066                        | 34.04%                                                             |
|                                                     | 2019                                   | 186,092                                  | 186,092                                                                    | -                                      | 546,686                        | 34.04%                                                             |
|                                                     | 2020                                   | 191,412                                  | 191,412                                                                    | -                                      | 562,314                        | 34.04%                                                             |
|                                                     | 2021                                   | 200,565                                  | 200,565                                                                    | -                                      | 689,205                        | 34.04%                                                             |
|                                                     | 2022                                   | 221,619                                  | 221,619                                                                    | -                                      | 651,054                        | 34.04%                                                             |
|                                                     | 2023                                   | 310,599                                  | 310,599                                                                    | -                                      | 912,453                        | 34.04%                                                             |
|                                                     | 2024                                   | 341,624                                  | 341,624                                                                    | -                                      | 1,003,596                      | 34.04%                                                             |
|                                                     | 2025                                   | 349,897                                  | 349,897                                                                    | -                                      | 1,043,221                      | 33.54%                                                             |
| <b>Tier 2 Public Employees System*</b>              | 2016                                   | 10,777                                   | 10,777                                                                     | -                                      | 72,278                         | 14.91%                                                             |
|                                                     | 2017                                   | 19,392                                   | 19,392                                                                     | -                                      | 130,057                        | 14.91%                                                             |
|                                                     | 2018                                   | 41,137                                   | 41,137                                                                     | -                                      | 272,254                        | 15.11%                                                             |
|                                                     | 2019                                   | 61,736                                   | 61,736                                                                     | -                                      | 397,275                        | 15.54%                                                             |
|                                                     | 2020                                   | 61,880                                   | 61,880                                                                     | -                                      | 395,147                        | 15.66%                                                             |
|                                                     | 2021                                   | 64,100                                   | 64,100                                                                     | -                                      | 405,695                        | 15.80%                                                             |
|                                                     | 2022                                   | 97,619                                   | 97,619                                                                     | -                                      | 607,463                        | 16.07%                                                             |
|                                                     | 2023                                   | 122,952                                  | 122,952                                                                    | -                                      | 767,969                        | 16.01%                                                             |
|                                                     | 2024                                   | 156,832                                  | 156,832                                                                    | -                                      | 979,590                        | 16.01%                                                             |
|                                                     | 2025                                   | 154,703                                  | 154,703                                                                    | -                                      | 1,018,450                      | 15.19%                                                             |
| <b>Tier 2 Public Safety and Firefighter System*</b> | 2023                                   | -                                        | -                                                                          | -                                      | -                              | 0.00%                                                              |
|                                                     | 2024                                   | 6,490                                    | 6,490                                                                      | -                                      | 23,331                         | 27.82%                                                             |
|                                                     | 2025                                   | 11,963                                   | 11,963                                                                     | -                                      | 47,228                         | 25.33%                                                             |
| <b>Tier 2 DC Public Employees System*</b>           | 2016                                   | 2,033                                    | 2,033                                                                      | -                                      | 30,388                         | 6.69%                                                              |
|                                                     | 2017                                   | 3,305                                    | 3,305                                                                      | -                                      | 49,403                         | 6.69%                                                              |
|                                                     | 2018                                   | 4,014                                    | 4,014                                                                      | -                                      | 59,996                         | 6.69%                                                              |
|                                                     | 2019                                   | 5,986                                    | 5,986                                                                      | -                                      | 89,473                         | 6.69%                                                              |
|                                                     | 2020                                   | 8,650                                    | 8,650                                                                      | -                                      | 129,300                        | 6.69%                                                              |
|                                                     | 2021                                   | 8,820                                    | 8,820                                                                      | -                                      | 131,844                        | 6.69%                                                              |
|                                                     | 2022                                   | 9,976                                    | 9,976                                                                      | -                                      | 149,127                        | 6.69%                                                              |
|                                                     | 2023                                   | 9,671                                    | 9,671                                                                      | -                                      | 156,242                        | 6.19%                                                              |
|                                                     | 2024                                   | 1,514                                    | 1,514                                                                      | -                                      | 24,452                         | 6.19%                                                              |
|                                                     | 2025                                   | 2,551                                    | 2,551                                                                      | -                                      | 49,150                         | 5.19%                                                              |

\* Contributions in Tier 2 include an amortization rate to help fund the unfunded liabilities in the Tier 1 systems.

Contributions as a percentage of covered-payroll may be different than the board certified rate due to rounding and other administrative practices.



## **SUPPLEMENTARY INFORMATION**



INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Town Council and Mayor  
Springdale Town, Utah

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Springdale Town, Utah, as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise Springdale Town, Utah's basic financial statements, and have issued our report thereon dated December 29, 2025.

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Springdale Town, Utah's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Springdale Town, Utah's internal control. Accordingly, we do not express an opinion on the effectiveness of Springdale Town, Utah's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether Springdale Town, Utah's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of This Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Rees CPA*

Rees CPA  
Cedar City, Utah  
December 29, 2025



**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE AND  
REPORT ON INTERNAL CONTROL OVER COMPLIANCE  
AS REQUIRED BY THE *STATE COMPLIANCE AUDIT GUIDE***

To the Town Council and Mayor  
Springdale Town, Utah

**Report On Compliance**

We have audited Springdale Town, Utah's compliance with the applicable state compliance requirements described in the *State Compliance Audit Guide*, issued by the Office of the State Auditor, for the year ended June 30, 2025.

State compliance requirements were tested for the year ended June 30, 2025 in the following areas:

- Budgetary Compliance
- Fund Balance
- Restricted Taxes and Related Revenues
- Fraud Risk Assessment
- Government Fees
- Enterprise Fund Transfers, Reimbursements, Loans, and Services
- Impact Fees

***Opinion on Compliance***

In our opinion, Springdale Town, Utah complied, in all material respects, with the state compliance requirements referred to above for the year ended June 30, 2025.

***Basis for Opinion***

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States (Government Auditing Standards); and the *State Compliance Audit Guide* (Guide). Our responsibilities under those standards and the *State Compliance Audit Guide* are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Springdale Town, Utah and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion. Our audit does not provide a legal determination of Springdale Town, Utah's compliance with the compliance requirements referred to above.

### ***Responsibilities of Management for Compliance***

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to Springdale Town, Utah's government programs.

### ***Auditor's Responsibilities for the Audit of Compliance***

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Springdale Town, Utah's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, Government Auditing Standards, and the Guide will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Springdale Town, Utah's compliance with the requirements of the government program as a whole.

In performing an audit in accordance with GAAS, Government Auditing Standards, and the Guide, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Springdale Town, Utah's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Springdale Town, Utah's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the *State Compliance Audit Guide* but not for the purpose of expressing an opinion on the effectiveness of Springdale Town, Utah's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

### **Report On Internal Control over Compliance**

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent or to detect and correct noncompliance with a state compliance requirement on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a state compliance requirement will not be prevented or detected and corrected on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a state compliance requirement that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

### **Purpose of this Report**

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control and compliance and the results of that testing based on the requirements of the Guide. Accordingly, this report is not suitable for any other purpose. However, pursuant to *Utah Code* Title 63G, Chapter 2, this report is a matter of public record, and as such, its distribution is not limited.

*Rees CPA*

Rees CPA  
Cedar City, Utah  
December 29, 2025

December 29, 2025

To the Town Council and Mayor  
Springdale Town, Utah

We are pleased to confirm our understanding of the services we are to provide Springdale Town for the year ended June 30, 2026.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of Springdale Town as of and for the year ended June 30, 2026. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Springdale Town's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Springdale Town's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Schedule of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual – General Fund
- 3) Schedule of the Proportionate Share of the Net Pension Liability
- 4) Schedule of Contributions
- 5) Notes to Required Supplementary Information

We have also been engaged to report on supplementary information other than RSI that accompanies Springdale Town's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements.

- 1) Combining and individual nonmajor fund financial statements

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of your accounting records of Springdale Town and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.



We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

### **Audit Procedures—Internal Control**

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Springdale Town's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Responsibilities of Management for the Financial Statements**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Town; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Rees CPA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to requesting federal or state agencies, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Rees CPA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a federal or state agency. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Caleb J. Rees, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately September 1, 2026 and to issue our reports no later than December 31, 2026.

Our fee for services will be \$18,250. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

## **Reporting**

We will issue a written report upon completion of our audit of Springdale Town's financial statements. Our report will be addressed to management of Springdale Town. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that Springdale Town is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to Springdale Town and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

Rees CPA

RESPONSE:

This letter correctly sets forth the understanding of Springdale Town.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 9, 2020  
**Re:** Resolution 2026-01: Adopting a Revised Parking Zone Map for the Town of Springdale

---

Sections 6-2-1 and 6-2-2 of the Town Code establish on-street parking zones for parking in the public right-of-way. These zones are designated, in part, by the Town's parking map. The Town adopted a parking map in 2018. That map has been effective in regulating on-street parking for the past seven years.

Town staff is recommending two changes to the parking map to accommodate changing conditions:

1. The area on the west side of SR9 between Quail Ridge Road and the LDS Church is shown as a prohibited parking zone. The Town will be improving the shoulder of the road in this area in the coming months with the express intention of using it for additional paid parking. The Parking Map should be updated to put this area in a Paid Parking zone (Parking Zone B).
2. During times of peak visitation to Zion National Park there is not enough parking in the paid parking zones to accommodate all the demand for on-street parking. During these times the Parking and Police Departments direct visitors to park in a prohibited parking zone (typically the area on the east side of SR9 at the far southern end of the Town). The Parking Map should be updated to acknowledge this practice (see note 7 on the proposed map). Because this typically only occurs a handful of times each year staff does not recommend placing this area in a paid parking zone at this time. Authorizing the Police and Parking Departments to temporarily use this area for overflow parking will match the Town's current practice.

The attached map makes both of these revisions.

Staff recommends the Council adopt the revised map.



## **Resolution 2026-01**

### **Adopting a Revised Parking Zone Map for the Town of Springdale**

**Whereas**, the Town of Springdale, in its Town Code, has established parking zones regulating on-street parking on Town-managed roads, and

**Whereas**, these zones are intended to promote the orderly parking of vehicles on Town-managed roads and thereby reduce the negative impacts of parking congestion, enhance safety, and promote efficiency for motorists needing a place to park, and

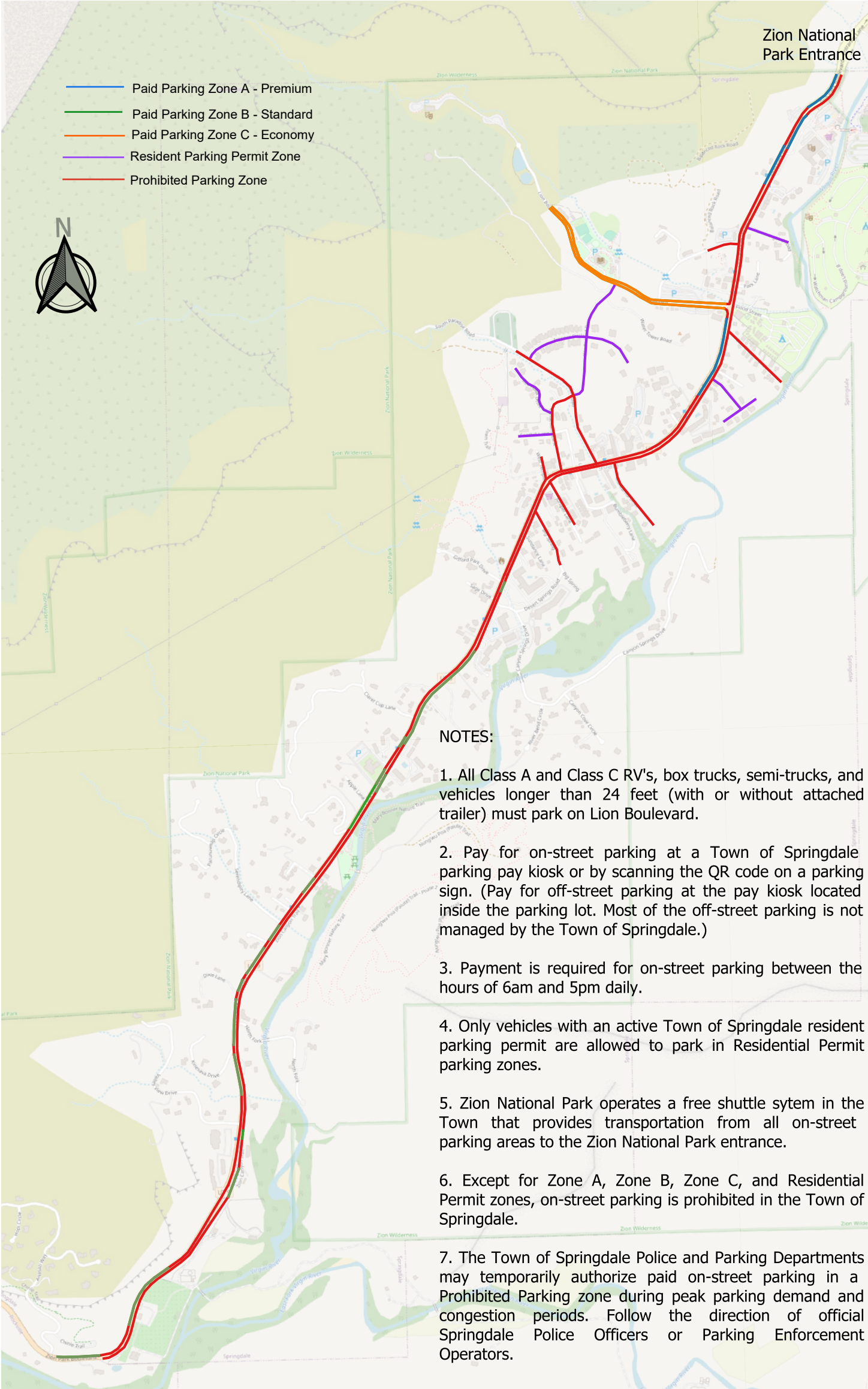
**Whereas**, these zones are identified on the Town's official Parking Map, and

**Whereas**, from time to time it is necessary to revise the location and designation of parking zones throughout the Town as shown on the Parking Map,

**Now therefore be it resolved** that the Town's Parking Map is updated as shown on the attached map dated January 14, 2026, and that this map replaces all previous versions of the Parking Map.

# Town of Springdale Parking Zone Map

Revised January 14, 2026





## **Memorandum**

**To:** Town Council  
**From:** Kyndal Sagers, Zoning Administrator  
**Date:** January 9, 2026  
**Re:** Revising the Fee Schedule

---

### **Introduction**

Staff reviewed the Community Development section of the Fee Schedule in conjunction with the Town Code, and staff identified the need to add several fees as mandated by the Code. Furthermore, the proposed modifications to the fee structure and general fee adjustments will enhance clarity regarding required fees and ensure coverage of associated review costs.

### **New Fees to be Added:**

- **Agricultural Use Permit:** Application fees will be included, as outlined in Town Code section 10-15D-9.
- **Type 3 Transient Lodging Zone Change:** A fee for this change is being added, per Town Code section 10-13F-7.

### **Fee Structure Modification:**

- The current basis for calculating fees for solar and other alternative energy devices—\$75 per hour—will be removed and replaced with a flat fee designed to cover reviewing costs.

### **General Fee Adjustment:**

- Additional proposed modifications aim to cover the costs associated with reviewing materials and the required staff time.





**RESOLUTION NO. 2026-02**

**A RESOLUTION REVISING THE FEE SCHEDULE**

**WHEREAS**, the Town of Springdale has established a schedule of fees for administrative services; and

**WHEREAS**, the Town desires to make changes to certain fees in the fee schedule to improve efficiency for staff in processing fees and enhance predictability for applicants in paying fee; and

**WHEREAS**, in order to accomplish the goals listed above the Town finds it necessary to amend the fee schedule with an updated version, dated January 14, 2026; and

**WHEREAS**, this resolution shall replace any other fee schedule that may have been set as policy prior to January 14, 2026;

**Now, THEREFORE, BE IT HEREBY RESOLVED** by the Town Council of the Town of Springdale that the attached fee schedule, dated January 14, 2026, be adopted as the official and current fee schedule for the Town of Springdale. This resolution shall become effective immediately upon passage and posting.

Passed and adopted this 14<sup>th</sup> day of January 2026.

---

Barbara Bruno, Mayor

Attest:

---

Robin Romero, Town Clerk



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# ***FEE SCHEDULE***

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## SECTION A: BUSINESS LICENSING

| License Type                          | Fee       |
|---------------------------------------|-----------|
| Base Commercial                       | \$100     |
| Additional Use                        | \$20 each |
| Home Occupation                       | \$0       |
| Non-Profit                            | \$0       |
| Special Event                         | \$100     |
| Business License Renewal Late Penalty | \$25      |

If a business wishes to sell alcohol, additional licensing fees apply as listed below. A Permit must also be obtained from the [Utah Department of Alcoholic Beverage Services](#) in order for the Springdale liquor license to be approved.

| Alcohol Licenses in Conjunction with Utah DABC | Fee   |
|------------------------------------------------|-------|
| Off Premise Beer Retailer                      | \$100 |
| Restaurant – Beer Only                         | \$300 |
| Restaurant – Limited Service                   | \$300 |
| Restaurant – Full Service                      | \$300 |
| Tavern                                         | \$300 |
| Banquet & Catering                             | \$300 |
| Package Agency                                 | \$300 |

## SECTION B: JOLLEY-GIFFORD CEMETERY RATES:

**RESIDENT** – Defined as a person who has lived in Springdale for 12 consecutive months immediately prior to purchase. Residents must pay non-resident rate for lots purchased for non-residents.

|       |       |
|-------|-------|
| PLOTS | \$350 |
|-------|-------|

|                   |          |          |
|-------------------|----------|----------|
| VAULT OPEN/CLOSE* | WEEKDAYS | SATURDAY |
|                   | \$200    | \$300    |

|                          |          |          |
|--------------------------|----------|----------|
| CREMAINS OPEN/<br>CLOSE* | WEEKDAYS | SATURDAY |
|                          | \$100    | \$200    |

|           |       |
|-----------|-------|
| EXUMATION | \$500 |
|-----------|-------|

\* An additional fee of \$50 applies to services performed after 3:30 PM Monday – Saturday.

**NON-RESIDENT**

|       |        |
|-------|--------|
| PLOTS | \$1600 |
|-------|--------|

|                   |          |          |
|-------------------|----------|----------|
| VAULT OPEN/CLOSE* | WEEKDAYS | SATURDAY |
|                   | \$250    | \$350    |

|                          |          |          |
|--------------------------|----------|----------|
| CREMAINS OPEN/<br>CLOSE* | WEEKDAYS | SATURDAY |
|                          | \$150    | \$250    |

|            |       |
|------------|-------|
| EXHUMATION | \$500 |
|------------|-------|

\*An additional fee of \$50 applies to services performed after 3:30 PM Monday - Saturday

## SECTION C: RECORDS REQUESTS (GRAMA)

Government Records Access Management Act (GRAMA) Request (**63G-2-204**):

- Requests must be submitted in writing, preferably on the appropriate request form. Unless an expedited response is requested and approved, the information will be released within 10 business days, unless there are extraordinary circumstances. **63G-2-204(5)**.
- Fees will be determined on an individual basis per UCA **63G-2-203**, based on the Town's standard administrative fees.
- If the request is substantial and time-consuming, the applicant may be required to prepay if fees are expected to exceed \$50. **63G-2-203(8)(a)(i)**
- If the requestor has fulfilled but unpaid GRAMA requests outstanding, the custodian of the records may require payment of those fees before processing a new request. **63G-2-203(8)(a)(ii)**
- The town is not required to fulfill a person's records request if the request unreasonably duplicates prior records requests from that person. **63G-2-201(8)(a)(iv)**
- In certain circumstances, particularly if releasing the record primarily benefits the public rather than a person, the custodian of the records may waive fees, upon request. **63G-2-203(4)(a)**
- Processes exist for appealing denial of waivers, denial of access to records, and protesting fees. **63G-2-205, 63G-2-401**

### **STANDARD ADMINISTRATIVE FEES**

**Certified Mail delivery** of letters regarding a delinquent account: \$10.00

**Staff time:** The hourly rate for the lowest paid employee with the necessary skill and training required for searching, retrieving, compiling, formatting, packaging, summarizing, organizing and other direct administrative activities needed to fulfill the request. The rate will be determined by the Records Officer when a records request is received per 63G-2-203(2)(b). The first ¼ hour is free.

**Electronic services fee:** When asked to compile a record in a form other than that normally maintained, the Records Officer must first determine it is able to do so without reasonably interfering with the governmental entity's duties and responsibilities, and, the requester agrees to pay the fee. The fee will be determined by the Records Officer when a records request is received per 63G-2-203(2)(b).

If printing is required, the Town's standard per-page photocopy fees will also apply.

**Photocopies:** \$0.25 for 8 1/2 x 11 single or double sided on town paper

\$0.35 for 8 1/2 x 14 single or double sided on town paper

\$0.60 for 11 x 17 single or double sided on town paper

\$0.05 for any size single or double sided on your own paper

**CDs** used to supply digital copies of data or meeting recordings: \$3.00 ea.

## SECTION C: RECORDS REQUESTS (GRAMA), CONT.

**Standard police reports in paper form:** \$5.00 (Staff time may also apply if multiple reports are requested at the same time and if they require redaction.)

**Police reports requested to be supplied in digital form** are subject to electronic services fees in addition to \$5.00 base fee and redaction fees.

**Returned check fee:** \$35.00

## SECTION A: BUILDING PERMITS

**Building Permit Deposit:** For all multi-family residential projects and commercial projects with a valuation of more than \$250,000, a \$5,000 deposit is required at the time of building permit application. The deposit will be credited toward the total building permit cost (all permit and review fees required at the time a building permit is issued, based on the fees listed below). Any amount of the deposit in excess of the total building permit cost will be credited back to the applicant. If the applicant elects to abandon the project without obtaining a building permit, the deposit will be used to cover the town's actual costs in reviewing the permit application up to the point the applicant informs the town of the intent to abandon the project. Any amount of the deposit in excess of the town's actual costs will be credited back to the applicant.

**Building Permit Application:** \$125.00

**Building Permit:** Based on valuation of construction. *See Table 1-A*

**Plan Review Fee:** 65% of the Building Permit fee from Table 1-A.

**Pool Permit Fee:** \$525

**Table 1-A – Building Permit Fees**

UBC 1997

| <u>Total Valuation</u>         | <u>Fee</u>                                                                                                                           |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| \$1.00 to \$500.00             | \$23.50                                                                                                                              |
| \$501.00 to \$2,000.00         | \$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof to and including \$2,000.00              |
| \$2,001.00 to \$25,000.00      | \$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00        |
| \$25,000.00 to \$50,000.00     | \$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof to and including \$50,000.00      |
| \$50,000.00 to \$100,000.00    | \$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof to and including \$100,000.00      |
| \$100,001.00 to \$500,000.00   | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00     |
| \$500,000.00 to \$1,000,000.00 | \$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof to and including \$1,000,000.00 |
| \$1,000,001 and up             | \$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof                               |

## SECTION A: BUILDING PERMITS, CONT.

**Fire District Review:** Actual Cost as charged by the Fire District. For review, contact them directly at [Hurricane Valley Fire District](#)

**Sewer Grinder Pump:** \$7,400. Sewer grinder pumps shall only be provided for properties where the Town has a contractual obligation to provide them. Property owner or contractor shall install grinder pump in accordance with adopted Town standards and specifications.

**Surcharge Tax:** 1% of Building Permit Fee

**Town Engineer Review:** Actual Cost – an estimate of costs will be applied to the Building Permit

**Solar and other alternative energy devices:** ~~Building permit fees shall include the actual costs of plan review and inspection, based on \$75 per hour. No other building permits fees apply. \$150.00~~

(Note: If the alternative energy device is part of a larger construction or building project, all standard fees will apply to the project, except that the value of the alternative energy device may be deducted from the total valuation of the project in determining the building permit and plan review fees.)

**Fee In-Lieu of Water Dedication:** \$950 per equivalent residential unit (ERU)

### Water Meters:

| Meter Size | Meter Placement |
|------------|-----------------|
| ¾ Inch     | \$365           |
| 1 Inch     | \$425           |
| 1 ½ Inch   | \$800           |
| 2 Inch     | \$1025          |
| 3 Inch     | \$2500          |
| 4 Inch     | \$3010          |

Town shall supply and install meter. Property owner or contractor shall install meter box and culinary water lines in accordance with adopted Town standards and specifications. Owner or contractor may arrange with Town to supply those parts at cost, if necessary. Town of Springdale Public Works personnel shall inspect installations before Town accepts meter box or line installation.



## SECTION A: BUILDING PERMITS, CONT.

### Other Inspections and Fees:

1. Inspections outside of normal business hours: \$75.00 per hour commercial & \$55.00 per hour residential (minimum charge 2 hours).
2. Re-inspection fees: \$75 per hour commercial & \$55 per hour residential. (Note: There is no charge for the first re-inspection. The re-inspection fees apply to the second and all subsequent re-inspections).
3. Additional plan review required by changes, additions or revisions to plans: \$75.00 per hour commercial & \$55.00 per hour residential. Minimum charge is ½ hour.
4. For use of outside consultants for plan checking and inspections, or both: Actual costs.

*Items 1-3: Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.*

*Item 4: Actual costs include administrative and overhead costs.*

## SECTION B: IMPACT FEES

Impact fees are one-time fees charged to help pay for the cost of the infrastructure that serves the residents of Springdale.

### Culinary Water Impact Fees:

*Impact Fees*

| <u>Meter<br/>Size</u> | <u>Culinary<br/>Water</u> |
|-----------------------|---------------------------|
| ¾ Inch                | \$6,060                   |
| 1 Inch                | \$10,880                  |
| 1 ½ Inch              | \$23,377                  |
| 2 Inch                | \$43,244                  |
| 3 Inch                | \$97,369                  |
| 4 Inch                | \$173,115                 |
| 6 Inch                | \$389,338                 |

If expansion, modification, or change in use of a building requires additional water flow, an upsized meter may be connected at the cost of installation plus the difference in price between the original meter and the required new meter.

### Parks and Open Space Impact Fees:

Residence: \$3,883 per residential unit. (Unit is defined as one residential dwelling, one apartment, and one condominium.)

Transient Lodging Unit: \$3,285 Transient Lodging Unit is defined as: one individually rented unit in a hotel/motel, one individually rented room in a Bed and Breakfast, one vacation rental home if the entire home is rented as a single unit, one individually rented room in a vacation rental home if the rooms in the vacation rental are rented separately.

### Habitat Impact Fees:

New construction: .002 of value of construction

# COMMUNITY DEVELOPMENT

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## SECTION C: ZONING FEES

### Zoning Fees

Accessory Use determination: \$100.00

Accessory Dwelling Unit Permit: \$125.00

Agricultural Use Permit: \$200.00

Administrative Agricultural Use Permit: \$75.00

Amendment to Zoning Maps (zone change): \$2,000.00

Type 3 Transient Lodging Zone Change: \$800.00

Amendment to the Zoning Ordinance: \$1000.00

Appeals: \$1,200.00

Conditional Use Permit: \$400.00

Design Development Review Fees:

DCD Review for minor projects as defined by section 10-15-7: \$125.00

Planning Commission Review: \$500.00

Revised Design Development Review: \$150.00

Design Development Review Extension: \$25.00

Design Development Review for Walls and Fences in Residential Zones: \$25.00

Design Development Review for solar and other alternative energy devices: No

charge. (Note: If the alternative energy device is part of a larger construction or building project, the applicable DDR fee above will apply.)

Fire District Review: Actual Costs

Erosion Hazard Permit: \$750.00

Erosion Hazard for Minor Land Disturbance: \$25.00

Floodplain Development Permit: \$125

Home Occupation Permit: \$125.00

Lot Line Adjustment Permit: 125.00

Ordinance Interpretation: \$100.00

# COMMUNITY DEVELOPMENT

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~~Sign Permit: \$75.00~~

~~Special Meeting: \$100.00~~

# COMMUNITY DEVELOPMENT

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## SECTION C: ZONING FEES, CONT.

[Sign Permit: \\$75.00](#)

[Special Meeting: \\$100.00](#)

Subdivisions:

Preliminary Plat: \$400.00 plus \$25.00 per lot plus Engineering and Fire

Marshal Costs

Final Plat: \$600.00 plus \$25.00 per lot plus Legal, Engineer, Fire District, and  
other review Fees

Banner Permit: No Fee

Plat Amendments: \$400.00 plus \$25.00 per lot plus Engineer and other review fees

Town Attorney Review: Actual cost

Town Engineer Review: Actual cost

Variance: \$1,200.00

Wireless Communication Facility application: \$500.00

Zoning Ordinance: \$35.00

Zoning Map (color 11 x 17): \$7.00

# COMMUNITY DEVELOPMENT

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## SECTION D: GRADING FEES

*Grading Permit Application:* \$75.00

*Grading Permit:* Based on Volume of earth removed or relocated. *See table A-33-A*

*Grading Plan Review:* *See Table A-33-B*

**TABLE A-33-A – GRADING PLAN REVIEW FEES<sup>2</sup>**

UBC - 1997

|                                                                                   |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50 cubic yards (38.2 m <sup>3</sup> ) or less                                     | No Fee                                                                                                                                                                 |
| 51 to 100 cubic yards (40 m <sup>3</sup> to 76.5 m <sup>3</sup> )                 | \$23.50                                                                                                                                                                |
| 101 to 1000 cubic yards (77.2 m <sup>3</sup> to 764.6 m <sup>3</sup> )            | \$37.00                                                                                                                                                                |
| 1001 to 10,000 cubic yards (765.3 m <sup>3</sup> to 7,645.5 m <sup>3</sup> )      | \$49.25                                                                                                                                                                |
| 10,001 to 100,000 cubic yards (7646.3 m <sup>3</sup> to 76,455 m <sup>3</sup> )   | \$49.25 for the first 10,000 cubic yards (7,645 m <sup>3</sup> ) plus \$13.25 for each additional 10,000 cubic yards (7,645.5 m <sup>3</sup> ) or fraction thereof.    |
| 100,001 to 200,000 cubic yards (76,456 m <sup>3</sup> to 152,911 m <sup>3</sup> ) | \$269.75 for the first 100,000 cubic yards (76,455 m <sup>3</sup> ) plus \$13.25 for each additional 10,000 cubic yards (7,645.5 m <sup>3</sup> ) or fraction thereof. |

### Other Fees:

Additional plan review required by changes, additions or revisions: \$50.00 per hour (minimum charge is ½ hour).

## SECTION D: GRADING FEES, CONT.

**TABLE A-33-B – GRADING PERMIT FEES<sup>1</sup>**

UBC – 1997

|                                                                                 |                                                                                                                                                                        |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 50 cubic yards (38.2 m <sup>3</sup> ) or less                                   | \$23.50                                                                                                                                                                |
| 51 to 100 cubic yards (40 m <sup>3</sup> to 76.5 m <sup>3</sup> )               | \$37.00                                                                                                                                                                |
| 101 to 1000 cubic yards (77.2 m <sup>3</sup> to 764.6 m <sup>3</sup> )          | \$37.00 for the first 100 cubic yards (76.5 m <sup>3</sup> ) plus \$17.50 for each additional 100 cubic yards (76.5 m <sup>3</sup> ) or fraction thereof.              |
| 1001 to 10,000 cubic yards (765.3 m <sup>3</sup> to 7,645.5 m <sup>3</sup> )    | \$194.50 for the first 1,000 cubic yards (764.6 m <sup>3</sup> ) plus \$14.50 for each additional 1,000 cubic yards (764.5 m <sup>3</sup> ) or fraction thereof.       |
| 10,001 to 100,000 cubic yards (7646.3 m <sup>3</sup> to 76,455 m <sup>3</sup> ) | \$325.00 for the first 10,000 cubic yards (7,645.5 m <sup>3</sup> ) plus \$66.00 for each additional 10,000 cubic yards (7,645.5 m <sup>3</sup> ) or fraction thereof. |
| 100,001 (76,456 m <sup>3</sup> ) or more                                        | \$919.00 for the first 100,000 cubic yards (76,455 m <sup>3</sup> ) plus \$36.50 for each additional 10,000 cubic yards (7,645.5 m <sup>3</sup> ) or fraction thereof. |

### Other inspections and fees:

Inspections outside of normal business hours: \$50.50 per hour<sup>2</sup> Minimum charge is 2 hours

Re-inspection fees: \$75.00 per hour<sup>2</sup>

### Footnotes:

<sup>1</sup>The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

<sup>2</sup>Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

## SECTION E. EVENT AND TEMPORARY USE PERMITS

**Free Speech Event Permit:** No fee

**Fundraising Event Permit:** No Fee

**Large Outdoor Event Permit:** \$250

**Private Outdoor Event Permit:** \$25

**Special Event Permit:** \$250

**Temporary Structure Permit:** \$50.00

**Event Parking Fee:** \$50

***\*Private Events requiring additional security or police presence: \$55.00/hour/officer***

## OTHER FEES:

**Street Light Banner Permit Application:** \$35

**Street Light Banner Permit Fee:** \$200, for up to 20 banners. Each additional banner requested in the same application, \$10 each banner.



# PARKS AND RECREATION

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## FACILITY RENTAL FEES

### Springdale Park Facilities rental:

(Rentable facilities include Ballfield and gazebo. Please see Park Use and Event Policy)

Rental fees for private, non-commercial events with fewer than 100 attendees:

|         | Local         | Non-local     |
|---------|---------------|---------------|
| Public  | No rental fee | No rental fee |
| Private | \$50.00       | \$200.00      |

Private, non-commercial rental fee is for a 4-hour rental period.

Rental fees for large events or commercial events permitted as temporary uses, in addition to required Temporary Use Permit Fee:

|            | Local         | Non-local     |
|------------|---------------|---------------|
| Public     | No rental fee | No rental fee |
| Private    | \$100.00      | \$400.00      |
| Commercial | \$200.00      | \$800.00      |

Large events rental fee is charged on a per-day basis.

### Damage Deposits:

\$150 for rentals of the Gazebo and small private rentals at the Ballfield.

\$1000 for temporary use permit rentals of the Ballfield

## SECTION A. PARKING FEES

### **Rate for parking in a paid parking zone:**

Zone A: \$25 for all day parking, \$20 for half-day after 1 pm

Zone B: \$20 for all day parking, \$15 for half-day after 1 pm

Zone C: \$15 for all day parking, \$10 for half-day after 1 pm

Oversized vehicle parking rates are double the rates listed above.

*(rates modified by Town Council on 2/12/25, Resolution 2025-04)*

### **Parking citation fees:**

Violation of section 6-2-3: \$125.00, Late penalty: \$30.00

Violation of section 6-2-4: \$125.00, Late penalty: \$30.00

Violation of section 6-2-5: \$125.00, Late penalty: \$30.00

Violation of section 6-2-6: \$60.00, Late penalty: \$15.00

Violation of section 6-2-9: \$25.00, Late penalty: \$5.00

All other parking violations: \$60.00, Late penalty: \$15.00

## SECTION B. ANIMAL RELATED

### Dog Tags

Spayed/Neutered: \$5.00

Unspayed/unneutered: \$40.00

### Dog Kennel License

Non-Commercial: \$50.00

### Impound and Boarding Fees

Springdale animal impound and boarding are provided under a contract with La Verkin City. The following rates are the La Verkin City rates in effect as of 12/11/19 and are subject to change.

#### **Impound fee:**

First offense: \$25.00

Second offense: \$50.00

Third offense: \$75.00

**Boarding fee:** \$20/day. Boarding fee shall be applied for each day an animal is impounded.

Other Animals: Boarding fee for other animals shall be determined by the animal control officer at the time the animal is impounded.

**Emergency Medical Care:** Owner of impounded animal will reimburse actual costs of emergency medical care of impounded animals before animal may be redeemed from the pound.

## SECTION A. UTILITY USAGE RATES

### Water Use Rates

1. Application Fee: \$25
2. Inspection Fee: \$25 for new installations.
3. Connected Services: There shall be a monthly base charge plus a volume charge based on water used according to schedule A below.
4. Unconnected and reserve connections: There shall be a monthly base charge according to schedule A below.
5. Construction water: Water usage during the construction of any building, excavation or grading shall be billed a monthly base charge plus a volume charge based on water used using the highest applicable user rate in schedule A below. Construction water is any water used prior to the issuance of a Certificate of Occupancy and Zoning Compliance. Construction water will be provided via a hydrant meter per section 8-1-12.
6. Rental Deposit: Applications for water accounts at rental properties must pay a rental deposit of \$125. Deposit shall be refunded after the account is settled and closed.
7. Hydrant meter rental: \$2,000 refundable deposit.
8. Residential Fire Sprinkler Connections: When the Fire Marshall requires a residential structure to be equipped with fire sprinklers, the fire sprinkler system must have a dedicated and metered connection to the town's culinary water system. The fire sprinkler connection may not be used for any purpose other than fire suppression. Costs related to the installation of the water meter and connection to the town's system are the responsibility of the property owner.

Fire sprinkler connections will not be charged a culinary water impact fee.

Fire sprinkler connections will not be charged a monthly base charge provided there is no water use on the connection. If there is use on the connection due to operation of the fire sprinkler system for fire suppression, the connection will not be charged a monthly base charge or any use charges.

If there is use on the connection for any purpose other than fire suppression such as maintenance, testing, or unauthorized use, the connection will be charged a monthly base charge for each month in which the use occurred. The connection will also be charged use charges according to the highest rate in Schedule A below for all such use.

## SECTION A. UTILITY USAGE RATES, CONT.

### Schedule A

|                             | Current Rates<br>(11/9/22)          | Effective<br>1/1/23 | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-----------------------------|-------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Base Charge                 | \$17.78                             | \$18.73             | \$19.29             | \$19.87             | \$20.47             | \$21.08             |
|                             |                                     |                     |                     |                     |                     |                     |
| Usage Tiers<br>(in Gallons) | Volume Charge<br>(per 1000 gallons) |                     |                     |                     |                     |                     |
| 0 – 5,000                   | \$5.57                              | \$5.70              | \$5.87              | \$6.04              | \$6.22              | \$6.41              |
| 5,001 – 10,000              | \$7.84                              | \$7.11              | \$7.32              | \$7.54              | \$7.77              | \$8.00              |
| 10,001 – 25,000             | \$9.74                              | \$8.87              | \$9.13              | \$9.41              | \$9.69              | \$9.98              |
| 25,001 – 50,000             | \$11.26                             | \$11.06             | \$11.39             | \$11.73             | \$12.09             | \$12.45             |
| Over 50,000                 | \$12.40                             | \$13.80             | \$14.21             | \$14.64             | \$15.08             | \$15.53             |

### Sewer Use Rates

1. Application Fee: \$25
2. Inspection Fee: \$25 for new installations.
3. Springdale Connected Services: There shall be a monthly base charge plus a volume charge for water used, as measured through the water meter, according to schedule A below.
4. Springdale Unconnected and reserve connections: There shall be a monthly

base charge according to schedule A below.

## SECTION A. UTILITY USAGE RATES, CONT.

Schedule A

|                                     | Current Rates<br>(8/10/22)                  | Effective<br>1/1/23 | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|---------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Base Charge                         | \$14.03                                     | \$14.73             | \$15.17             | \$15.63             | \$16.10             | \$16.58             |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge<br/>(per 1000 gallons)</b> |                     |                     |                     |                     |                     |
| 0 – 5,000                           | included in base rate                       |                     |                     |                     |                     |                     |
| 5,001 – 10,000                      | \$3.83                                      | \$3.83              | \$3.94              | \$4.06              | \$4.19              | \$4.31              |
| 10,001 – 25,000                     |                                             | \$4.44              | \$4.58              | \$4.71              | \$4.85              | \$5.00              |
| 25,001 – 50,000                     |                                             | \$5.15              | \$5.31              | \$5.47              | \$5.63              | \$5.80              |
| Over 50,000                         |                                             | \$5.98              | \$6.16              | \$6.34              | \$6.53              | \$6.73              |

5. Sewer Services in Rockville: There shall be a monthly charge on the various connection types in the Town of Rockville according to schedule B below.

Schedule B

|                         | Current Rates<br>(8/10/22) | Effective<br>1/1/23 | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------|----------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Connection Type</b>  | <b>Cost</b>                |                     |                     |                     |                     |                     |
| Connected Residential   | \$21.56                    | \$21.99             | \$22.43             | \$22.88             | \$23.34             | \$23.80             |
| Unconnected Residential | \$14.03                    | \$14.31             | \$14.60             | \$14.89             | \$15.19             | \$15.49             |
| Bed and Breakfast       | \$53.91                    | \$54.99             | \$56.09             | \$57.21             | \$58.35             | \$59.52             |
| Community Center        | \$53.91                    | \$54.99             | \$56.09             | \$57.21             | \$58.35             | \$59.52             |

## SECTION A. UTILITY USAGE RATES, CONT.

6. Canyon Springs Estates Subdivision Sewer Grinder Maintenance: In addition to the base and volume charges in 3 above, there shall be a monthly rate of \$20.29 for connected properties in the Canyon Springs Estates Subdivision. Rate shall increase by five percent (5%) annually each July according to schedule C below. Rate shall be evaluated in 2025 to analyze and compare five-year fees and grinder maintenance costs.

### Schedule C

| Year | Rate  |
|------|-------|
| 2021 | 20.29 |
| 2022 | 21.30 |
| 2023 | 22.37 |
| 2024 | 23.49 |
| 2025 | 24.66 |

7. Zion National Park: The National Park Service will be assessed a proportionate share of the operational and maintenance costs per agreement between the Town and the National Park Service, as determined by annual proportionate flow, to be billed as a monthly fee.

### Secondary Water (Irrigation) Use Rates

User fees shall apply only to town irrigation customers, not irrigation company shareholders. Application and inspection fee shall apply to all irrigation connections including irrigation company shareholders.

1. Application Fee: \$25
2. Inspection Fee: \$25 for new installations.
3. Town Irrigation Customers: There shall be a monthly base charge based on installed valve size plus a volume charge based on water used according to schedule A below. .

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## SECTION A. UTILITY USAGE RATES, CONT.

### Schedule A

| 1" Meter                    | Current Rates<br>(11/9/22)          | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-----------------------------|-------------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| Base Charge                 | \$21.17                             | \$42.34               | \$43.61             | \$44.92             | \$46.27             | \$47.65             |
|                             |                                     |                       |                     |                     |                     |                     |
| Usage Tiers<br>(in Gallons) | Volume Charge<br>(per 1000 gallons) |                       |                     |                     |                     |                     |
| 0 – 50,000                  | \$0.00                              | included in base rate |                     |                     |                     |                     |
| 50,001 – 60,000             | \$0.00                              | 0.79                  | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 60,001 – 75,000             | \$0.00                              | 0.99                  | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over 75,000                 | \$0.00                              | 1.23                  | \$1.27              | \$1.31              | \$1.35              | \$1.39              |

| 1.5" Meter                  | Current Rates<br>(11/9/22)          | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-----------------------------|-------------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| Base Charge                 | \$42.33                             | \$63.51               | \$65.42             | \$67.38             | \$69.40             | \$71.48             |
|                             |                                     |                       |                     |                     |                     |                     |
| Usage Tiers<br>(in Gallons) | Volume Charge<br>(per 1000 gallons) |                       |                     |                     |                     |                     |
| 0 – 300,000                 | \$0.00                              | included in base rate |                     |                     |                     |                     |
| 300,001 – 360,000           | \$0.00                              | 0.79                  | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 360,001 – 450,000           | \$0.00                              | 0.99                  | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over 450,000                | \$0.00                              | 1.23                  | \$1.27              | \$1.31              | \$1.35              | \$1.39              |



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## SECTION A. UTILITY USAGE RATES, CONT.

| 2" Meter                            | Current Rates<br>(11/9/22)                  | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------------------------------|---------------------------------------------|-----------------------|---------------------|---------------------|---------------------|---------------------|
| Base Charge                         | \$63.50                                     | \$95.27               | \$98.12             | \$101.07            | \$104.10            | \$107.22            |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge<br/>(per 1000 gallons)</b> |                       |                     |                     |                     |                     |
| 0 – 300,000                         | \$0.00                                      | included in base rate |                     |                     |                     |                     |
| 300,001 – 360,000                   | \$0.00                                      | 0.79                  | \$0.81              | \$0.84              | \$0.86              | \$0.89              |
| 360,001 – 450,000                   | \$0.00                                      | 0.99                  | \$1.02              | \$1.05              | \$1.08              | \$1.11              |
| Over 450,000                        | \$0.00                                      | 1.23                  | \$1.27              | \$1.31              | \$1.35              | \$1.39              |

| 4" Meter                            | Current Rates<br>(11/9/22)                  | Effective<br>1/1/23   | Effective<br>1/1/24 | Effective<br>1/1/25 |  |  |
|-------------------------------------|---------------------------------------------|-----------------------|---------------------|---------------------|--|--|
| Base Charge                         | \$148.25                                    | \$482.28              | \$496.75            | \$511.65            |  |  |
| <b>Usage Tiers<br/>(in Gallons)</b> | <b>Volume Charge<br/>(per 1000 gallons)</b> |                       |                     |                     |  |  |
| 0 – 800,000                         | \$0.00                                      | included in base rate |                     |                     |  |  |
| 800,001 – 960,000                   | \$0.00                                      | 0.79                  | \$0.81              | \$0.84              |  |  |
| 960,001 – 1,200,000                 | \$0.00                                      | 0.99                  | \$1.02              | \$1.05              |  |  |
| Over 1,200,000                      | \$0.00                                      | 1.23                  | \$1.27              | \$1.31              |  |  |

| 4" Meter    |  |  |  |  | Effective<br>1/1/26 | Effective<br>1/1/27 |
|-------------|--|--|--|--|---------------------|---------------------|
| Base Charge |  |  |  |  | \$271.00            | \$279.13            |

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| Usage Tiers<br>(in Gallons) | Volume Charge<br>(per 1000 gallons) |                       |  |  |        |        |
|-----------------------------|-------------------------------------|-----------------------|--|--|--------|--------|
| 0 – 600,000                 |                                     | included in base rate |  |  |        |        |
| 600,001 – 720,000           |                                     |                       |  |  | \$0.86 | \$0.89 |
| 720,001 – 900,000           |                                     |                       |  |  | \$1.08 | \$1.11 |
| Over 900,000                |                                     |                       |  |  | \$1.35 | \$1.39 |

4. At the time that the Town’s secondary (irrigation) system includes a 3” connection, the 4” meter rate shown above will be increased to a new rate as determined by the Town Council, following a public hearing, to incorporate a new 3” rate into the fee schedule.

5. Springdale Consolidated Irrigation Company (SCIC): The SCIC will be assessed a share of the operations and maintenance costs of the irrigation system in accordance with an agreement between the Town and the SCIC, to be billed annually, or as otherwise provided for by agreement.

## SECTION B. WATER & SEWER RATES ADJUSTMENTS

1. In order to obtain an adjustment to the water and sewer charges incurred in the event of an aboveground water leak on the property owner's side of the meter, the following conditions must be met:
  - a. The Utility Superintendent, Town Manager or their designee must review and inspect the leak before any repair is made, or sufficient evidence must be provided to the Utility Superintendent, Town Manager or their designee to document the cause and nature of the leak.
  - b. The Utility Superintendent, Town Manager or their designee must determine that the leak resulted from a major failure of the water system such as a broken pipe or valve as opposed to a condition or situation that the property owner was or should have been aware of such as a tap or hose left running, running toilet, leaking taps, leaking swamp cooler, known and unrepaired leaks, irrigation usage, etc.
  - c. The Utility Superintendent, Town Manager or their designee must see evidence of the repair of the leak.
  - d. The amount of water used on the utility bill (water used and water lost due to the leak) must be equal to or greater than twice the historical usage on the property for the same month in the previous year. If the property has had utility service for less than one year, the Town Manager and Town Treasurer shall estimate the usage based on the nearest month in the same season.
  - e. No adjustments shall be made for water used for irrigation purposes.

If the above conditions are met, the Utility Superintendent or Town Manager will instruct the Town Treasurer to make an adjustment to the utility account. The water and sewer rate will be adjusted according to paragraph 3 below. Rate adjustments will be applied only if the property owner is diligent in fixing the leak within three days of its detection. If diligence is not shown within three days, a Waste of Water penalty of \$50 per day will be assessed each following day until the Superintendent is satisfied the repair is completed, and additional penalties as outlined in Section 8.1.16.B may apply. Repair costs are the responsibility of the property owner.

2. In order to obtain an adjustment to the water and sewer charges incurred in the event of an underground water leak on the property owner's side of the meter, the following conditions must be met:
  - a. The Utility Superintendent, Town Manager or their designee must review and inspect the leak before any repair is made, or sufficient evidence must be provided to the Utility Superintendent, Town Manager or their designee to document the cause and nature of the leak.

## SECTION B. WATER & SEWER RATES ADJUSTMENTS, CONT.

- b. The Utility Superintendent, Town Manager or their designee must determine that the leak resulted from a failure of the water system as opposed to a deliberate waste of water, a condition or situation that the property owner was or should have been aware of, or an aboveground leak as described in paragraph 1 above.
- c. The Utility Superintendent, Town Manager or their designee must see evidence of the repair of the leak.

If the above conditions are met, the Utility Superintendent or Town Manager will instruct the Town Treasurer to make an adjustment to the utility account. The water and sewer rate will be adjusted according to paragraph 3 below. Rate adjustments will be applied only if the property owner is diligent in fixing the leak within five days of its detection. If diligence is not shown within five days, a Waste of Water penalty of \$50 per day will be assessed each following day until the Utility Superintendent is satisfied the repair is completed, and additional penalties as outlined in Section 8.1.16.B may apply. Repair costs are the responsibility of the property owner.

3. Adjustments shall be based on the amount of the meter readings for the same month a year prior. The water user will pay the current rate for the amount of water and sewer as the prior year's reading plus  $\frac{1}{2}$  of the current lowest usage rate for all additional water resulting from the leak. If the property has had utility service for less than one year, the Town Manager and Town Treasurer shall estimate the usage based on the nearest month in the same season.
4. In order to obtain an adjustment to the sewer charges incurred on the filling of a swimming pool, 1) the owner must provide sufficient proof to the Utility Superintendent that the pool doesn't drain to the sewer, and 2) the owner must contact the Utility Superintendent before filling the pool and when the pool is full, so the water used to fill the pool can be metered. The Utility Superintendent will provide the meter readings to the Town Treasurer. Only the amount of water used for filling the pool will be adjusted from the sewer fees; there will be no adjustment to the water charges. If this procedure is not followed, or if the pool is found to drain into the sewer system, there will be no adjustment to the sewer charges.

## SECTION C. WATER LOSS

### **Loss of Water – Private Unmetered Fire Service Connections**

Fire service connections or fire sprinkler connections are generally private unmetered connections to the Town's culinary water system that provide support during fire emergencies. Due to line size, breaks or other failure in these lines has the potential to result in the loss of hundreds of thousands of gallons of treated culinary water.

When a break in a private, unmetered fire service connection or line results in the loss of water, the property owner responsible for the private fire sprinkler connection/line will be billed for the value of the water lost due to the break based on the cost to produce water, currently \$5.61 per 1000 gallons according to the Town Engineer.

Water loss will be estimated by the Town Public Works Department based on documented tank levels before and after the break or leak is reported.

## SECTION D. OTHER

### **Residential Garbage and Recycling Collection**

Residential garbage and recycling collection: \$20.84 effective January 1, 2026. Increases 2.5% annually or as otherwise approved by the Waste District Board.

Residential garbage collection without recycling: \$14.23 effective January 1, 2026. Increases 2.5% annually or as otherwise approved by the Waste District Board. *Only available to residential properties who opted out of residential recycling before Nov. 30, 2020*

### **Utility and Encroachment Permit Fees**

Encroachment Permit Fee: \$250

Utility Permit Fee: \$150



## Memorandum

**To:** Mayor, Town Council  
**From:** Dawn Brecke, Treasurer  
**Date:** January 8, 2026  
**Re:** **January 14, 2026 Town Council Meeting**  
**Town Manager Recruitment/Interim Options**

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### SUMMARY

This staff report provides an update on the Town Manager recruitment process, outlines the anticipated hiring timeline, and presents options for interim management coverage following the Town Manager's resignation effective February 10, 2026.

### BACKGROUND

The Town conducted a recruitment for the Town Manager position and received a total of 73 applications. Following an initial screening, the Town Council reviewed 25 applications and selected 8 candidates to advance to interviews.

Based on the interview schedule and subsequent steps in the selection process, staff anticipate that the recruitment and hiring process will extend into mid to late March 2026.

The Town Council previously approved Town Manager Rick Wixom's resignation, effective February 10, 2026.

### INTERIM MANAGEMENT OPTIONS

Given the gap between the approved resignation date and the anticipated start date of a new Town Manager, the following options are available to provide administrative coverage during the interim period:

1. **No Interim Town Manager**  
The Town could operate without a Town Manager until the selected candidate begins employment. While feasible, this may not be the best option to ensure a smooth transition to a new Town Manager.
2. **Appoint a Department Head as Interim Town Manager**  
The Council could appoint a current department head to serve as Interim Town Manager. However, this option is considered less viable because it would leave that department short-staffed during the interim period.
3. **Request an Extension of the Current Town Manager's Resignation Date**  
The Council could request that Rick extend his employment through the end of March 2026. This option would maintain leadership continuity and ensure that time-sensitive

processes, particularly the early stages of the FY2026-27 budget development, continue without loss of momentum while the recruitment process is finalized.

Please let me know if you have any questions regarding the hiring process, timeline, or interim management options.