

CHAPTER 2. ADMINISTRATION

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Article 2-1. In General

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2-1-1. Improvements reserve fund.

There is hereby established a reserve fund for this County for the specific purposes of accumulating funds pursuant to Section 17-4-6, Section 17-4-7, and Section 17-4-8, Utah Code Annotated 1953, as amended, for financing the purchase of real property, costs of planning, constructing or designing any of the following facilities in and for this County: Jail building, court building, animal control shelter, youth home, or additions to any of the foregoing. Each of said structures or improvements thereto is hereby defined and determined to be a capital improvement.

The reserve fund established by this Section shall be funded in the tax year 1976 by a 1.41 mill levy and in subsequent tax years by a mill levy as established by the Board of County Commissioners on a year-by year basis. (Ord. No. 1976-6, Part I, 9-22-76)

State law reference - Reserve fund for major capital improvements, U.C.A. 1953, Section 17-4-6 et seq.

2-1-2. Annexation.

Any annexation of territory in Utah County by a municipality which has part or all of its incorporated limits lying outside of Utah County, shall occur only upon compliance with Section 10-2-401 et seq., Utah Code Annotated, 1953, as amended, or its successor statute. (Ord. No. 1978-17, Sections 1-3, 10-2-78; Ord. No. 1982-1, 1-20-82)

2-1-3. Authority to acquire, hold, manage and dispose of real and personal property for benefit of county.

The Board of County Commissioners may purchase, receive, hold, sell, lease, convey or otherwise acquire and dispose of any real or personal property or any interest in such property that it determines to be in the public interest, subject to the following provisions:

(a) Means of disposal. Subject to subsection 2-1-3(1)(d), the Board of County Commissioners may dispose of, or control the disposition of, any County property, real or personal, and including lost or abandoned property, or any legal or equitable interest in property, the disposition of which is determined to be in the public interest and in accordance with good property management. The disposition of property, or any interest therein, may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for sealed bids, or any other lawful manner or means. Said disposition shall not be for less than a full and adequate consideration except for property which is determined to lie within the boundaries of a street or highway, for properties which are conveyed or traded to a municipality or the State of Utah, or for small parcels of property unusable by Utah County. Said consideration may be other than monetary.

(b) Minimum bid. The Board of County Commissioners may set minimum bid prices on property, real or personal, based upon professional appraisals or by recommendations by the department or departments of Utah County involved in the sale.

(c) Disposal of personal property. The power to dispose of surplus, obsolete, or unusable personal property held by the County is vested in the County Purchasing Agent and such disposition may be made in any manner authorized in Section 2-1-3(a) of this Chapter. The Purchasing Agent shall have discretion, subject to the best interests of County government and of the people of the County and in accordance with good property management techniques, over the disposition and manner of disposition of surplus, obsolete, or unusable personal property with a value of \$1,500.00 or less, provided, however, that such

discretion extends only to the initiation and negotiation of the sale or other disposition; no such disposition shall be finalized without the approval of the Board of County Commissioners. For property with a value in excess of \$1,500.00, the disposition and manner of disposition of surplus property must be approved prior to the commencement of negotiations by the Board of County Commissioners. No disposition involving amounts in excess of \$1,500.00 shall be split into parts by any concerned party so as to produce amounts of \$1,500.00 or less, for the purpose of avoiding the provisions of this Article.

(d) Disposal of real property in public use or of a significant parcel of real property. The power to dispose of real property held by the County is vested in the Board of County Commissioners and such disposition may be made in any manner authorized in Section 2-1-3(1)(a) of this Chapter. The disposition of real property which is in public use, regardless of the value thereof, or of a significant parcel of real property, as defined herein, shall be made only with the approval of the Board of County Commissioners and after a public hearing and reasonable notice thereof, as defined herein. Real property in public use is defined as realty, and improvements thereon, in actual current use by the County, including but not limited to governmental offices or other public buildings, courthouses, jails and police stations, fire stations, developed parks or other recreational or entertainment facilities, libraries, schools or other educational facilities, utilities, cemeteries, animal control facilities, hospitals or other health facilities, facilities for the welfare of indigents, sanitary landfills, or any other realty or improvement thereon held for the benefit or advantage of the general public and not confined to use by privileged or particular individuals, without regard to whether that use may be classified as governmental or proprietary. A significant parcel of real property is defined as any parcel larger than 10 acres, or having an estimated value, as determined by the Board of County Commissioners, of more than five hundred thousand dollars (\$500,000.00). The Board of County Commissioners shall hold a public hearing concerning dispositions of realty under this Subsection, which hearing may be at any special or regularly scheduled meeting of said Board, at which hearing all interested persons may appear and be heard. Public notice shall be given of said hearing which shall contain the date, time, and place thereof, a statement of the purpose of the hearing, and a general description of the property, or the interest therein, to be disposed. Such notice shall be published at least once, fourteen (14) or more days prior to the date of the hearing, in a newspaper of general circulation in Utah County. The notice

required herein is defined as reasonable notice.

(e) Approval of Board of County Commissioners—Records. No disposition of real or personal property, in public use or otherwise, shall be finalized until after the Board of County Commissioners, at a regularly scheduled commission meeting, shall have reviewed and approved the disposition, manner of disposition, and consideration benefitting Utah County. The Purchasing Agent shall maintain permanent public records reflecting a description of the property sold or otherwise conveyed, an appraisal of the property, if one has been secured, the manner of disposition, the consideration received by Utah County, the identity of the person to whom such property was sold or otherwise disposed of, the date of disposition, the date of approval by the Board of County Commissioners, and the nature of the County's use of said property prior to disposition.

(f) Application to county agencies. The provisions of this Chapter shall be applicable to all boards, commissions, authorities, committees, councils, or other bodies within the jurisdiction of the Board of County Commissioners and owning or holding real or personal property. When real or personal property is disposed of under the provisions of this Chapter and such property was purchased by a County agency or other body which has an independent revenue base or which has an account separate from the general fund, that agency's account shall be credited with the amount realized from the disposition. If the County receives something other than monetary consideration for the disposition, distribution of that consideration shall be in accordance with the direction of the Board of County Commissioners. (Ord. No. 1986-07, 3-5-86; Ord. No. 1994-37, 12-28-94; Ord. No. 2003-33, 9-30-03)

2-1-4. Financial administration.

(a) In enacting this Section, it is the purpose and intent of the Board of County Commissioners to comply with both Section 17-36-43, Utah Code Annotated, 1953, as amended, and Section 17-36-44, Utah Code Annotated, 1953, as amended by adopting a financial administration ordinance.

(b) The Board of County Commissioners shall approve the issuance of all County warrants, except payroll checks and payroll-related expenses that are prepared in accordance with the salary schedule established by Utah County in its personnel resolution, stipend checks for the Foster Grandparents and Senior Companion programs, bail commissioner checks, Justice Court surcharge payments to the state, Sheriff extradition travel advance checks, and regularly scheduled utility payments, which may be

authorized for issuance by the County Clerk/Auditor. All warrants authorized for issuance by the County Clerk/Auditor shall be ratified thereafter by the Board of County Commissioners at its next regularly scheduled meeting.

(c) The Board of County Commissioners shall approve purchase orders entered for any of the following:

- (1) items not included as approved line items in the adopted budget,
- (2) mileage and transportation,
- (3) education,
- (4) travel,
- (5) any amount equal to or above the sum of \$2,500.00.

The County Purchasing Agent or, if the County Purchasing Agent is unavailable, the person duly authorized to act as purchasing agent for the County, is authorized to approve purchase orders in an amount less than the sum of \$2,500.00. (Ord. 2015-15, 5-12-15)

(d) The County Treasurer shall authorize the disbursement of all County warrants issued by the Board of County Commissioners and the County Clerk/Auditor in such a manner as to allow the County to maximize earnings on its investments.

(e) The County Clerk/Auditor, acting as the financial officer under the provisions of this Article, shall be bonded in the amount of \$10,000.00.

(f) Budget transfers from either the following accounts, or budget appropriations for the following purposes, require the prior approval and authorization of the Board of County Commissioners: salaries/wages for employees eligible for County paid health insurance premiums/waivers; benefits; internal service leases; capital assets; and other budget appropriations deemed restricted by the Board of County Commissioners through amendment of this ordinance or temporarily by resolution. As used in this Section, the following definitions shall be applicable.

(1) "Salaries/wages" includes all compensation paid to employees, but does not include compensation classified as overtime by the Fair Labor Standards Act as amended.

(2) "Benefits" are payments made to employees for uniform allowances, insurance waivers, and bonuses; or to other entities on behalf of employees, which are in addition to the employee's salaries/wages, including insurance premiums, retirement contributions, unemployment contributions, and worker's compensation.

(3) "Internal service leases" are appropriations for motor pool charges, building rents, telephone charges, radio/pager charges, computer support charges, programming charges, and food service charges.

(4) "Capital assets" are land, buildings, building improvements, vehicles, machinery, equipment, works of art, historical treasures, infrastructure, easements, software, and water rights that 1) are used in operations and 2) have an initial useful life of two years or more and 3) have a per-unit cost of \$5,000 or higher. (Ord. 2012-35, 12-11-12).

2-1-5. Adoption of Procurement Regulations.

Pursuant to the Utah Procurement Code and the Utah State Procurement Policy Board, the Utah County Procurement Regulations are hereby adopted in book form and by this reference made a part of this Chapter to the same extent and effect as though said Regulations were copied herein in full.

2-1-6. Fees of county officers; refund of overpayments.

(a) Pursuant to Section 17-5-214, Utah Code Annotated, 1953, as amended, a Utah County Government Fee Schedule is hereby adopted in book form and by this reference made a part of the Utah County Code to the same extent and effect as though said Fee Schedule was copied herein in full.

(b) In the event a county fee is paid in advance and the amount paid exceeds the actual fee by \$10 or less, the amount so overpaid shall be forfeited to the general fund of Utah County.

(c) In the event a county fee is paid in advance and the amount paid exceeds the actual fee by more than \$10, the county office which received the overpayment shall transmit to the payor a form by which the payor may request a refund of the overpayment. If the County Auditor receives a completed request for refund within ninety (90) days of the date the form is transmitted to the payor, the County Auditor shall prepare and send a check in the amount of the overpayment to the payor. If a completed request for refund is not received by the County Auditor within ninety (90) days of the date the form is transmitted to the payor, the amount overpaid shall be forfeited to the general fund of Utah County. (Ord. No. 1999-16, 08-03-1999)

2-1-7. Fee Waiver Requests.

(a) Requests for waiver of fees shall be by written application, shall set forth the specific basis for the request, and shall include all evidence supporting the request. A decision shall be made on each request based upon the submitted materials, unless the Board of County Commissioners desires further input from the applicant and takes action in a public meeting to place the matter on the commission agenda for further review.

(b) Except as specifically otherwise authorized by the Board of County Commissioners, each request for waiver of fees shall be referred to the Civil Division of the County Attorney's Office for review and recommendation. The attorney assigned to review the fee waiver request may request recommendations from involved county offices, may request additional information from other governmental agencies and private organizations, may request additional information from the applicant, and may request that the applicant appear to address issues raised by the application. The attorney assigned shall review all of the submitted materials and information, and shall then provide a recommendation on the application to the Board of County Commissioners.

(c) The Board of County Commissioners shall review the submitted materials and the recommendation of the assigned attorney and shall then take action on the request at a County Commission meeting based upon the submitted materials. (Ord. 2009-6, 2-10-09).

Article 2-2. Theft or Crime Insurance

- 2-2-1. Amount required for County Officials.
- 2-2-2. Amount required for County Treasurer.
- 2-2-3. Amount required for Deputies or Assistants.
- 2-2-4. Blanket Policy.
- 2-2-5. Payment of Premium.

2-2-1. Amount required for County Officials.

Pursuant to Section 17-16-11, Utah Code Annotated, 1953, as amended, the legislative body of the County of Utah has prescribed ten thousand dollars (\$10,000.00) as the amount of theft or crime insurance to be acquired for county officials, as therein defined in Subsections (1) (a) through (k), before those county officials may discharge the duties of their respective offices. (Ord. No. 2009-3, 1-27-09).

2-2-2. Amount required for County Treasurer.

The State Money Management Council created in Section 51-7-16, Utah Code Annotated, 1953, as amended, shall prescribe the amount of theft or crime insurance to be acquired for the county treasurer before the county treasurer may discharge the duties of that office. (Ord. No. 2009-3, 1-27-09).

2-2-3. Amount required for Deputies or Assistants.

Pursuant to Section 17-16-11, Utah Code Annotated, 1953, as amended, the legislative body of the County of Utah has prescribed five thousand dollars (\$5,000.00) as the amount of theft or crime insurance to be acquired for each deputy or assistant of those listed in Subsections (1) (a) through (l) of Section 17-16-11, Utah Code Annotated, 1953, as amended,

before those county officials may discharge the duties of their respective offices. (Ord. No. 2009-3, 1-27-09).

2-2-4. Blanket Policy.

The legislative body of the County of Utah may acquire theft or crime insurance on all county officials as a group rather than individually. (Ord. No. 2009-3, 1-27-09).

2-2-5. Payment of Premium.

Pursuant to Section 17-16-11, Utah Code Annotated, 1953, as amended, the cost of theft or crime insurance policies shall be paid from county funds. (Ord. No. 2009-3, 1-27-09).

Article 2-3. Government Records Access and Management

- 2-3-1. In general.
- 2-3-2. Purpose of Article.
- 2-3-3. Definitions.
- 2-3-4. Right of access.
- 2-3-5. Classification of records.
- 2-3-6. Right of privacy.
- 2-3-7. Retention of records.
- 2-3-8. Request for records.
- 2-3-9. Establishment of fees.
- 2-3-10. Appeals.
- 2-3-11. Access to persons with disabilities.
- 2-3-12. Amendment of records.
- 2-3-13. Liability for release of records.
- 2-3-14. Records officers.
- 2-3-15. Maintenance of records.
- 2-3-16. Preservation of records.
- 2-3-17. Storage of records.
- 2-3-18. Justice Court Records.
- 2-3-19. Penalty.

2-3-1. In General.

The Board of County Commissioners of Utah County finds the following:

(a) It is in the best interests of Utah County and the citizens thereof, and essential for the administration of County government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as open to the public; to maintain the security of records which are defined by law as non-public; and to ensure the preservation of vital and historically valuable records.

(b) As the records of Utah County government agencies are a resource containing information which (1) allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) permits citizens to research and document matters of

personal and community importance; this resource must be systematically and efficiently managed.

(c) It is the policy of the County that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this Article.

(d) The County recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Government Records Access and Management Act (hereinafter referred to as "the Act") and this Article, for the public good.

2-3-2. Purpose of Article.

In enacting this Article, it is the purpose and intent of the Board of County Commissioners to provide, in accordance with the Government Records Access and Management Act, Chapter 2 of Title 63, Utah Code Annotated, 1953, as amended, an ordinance acknowledging and complying with the Act and providing for its application in the County. County agencies shall comply with the provisions of this Article and with the Act and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

2-3-3. Definitions.

As used in this Article, the following definitions shall be applicable.

(a) "Act" shall refer to the Government Records Access and Management Act, §63-2-1, et seq., Utah Code Annotated, 1953, as amended.

(b) "Agency" shall refer to any office, department, division, section, staff office, board, committee or other division of Utah County Government, any public or private entity or person which contracts with the County to provide goods or services directly to the County, or any private non-profit entity that receives funds from the County.

(c) "Computer software program" means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material explaining how to operate the software program. "Software" does not include the original data or record which is manipulated by the software.

(d) "Controlled" records shall be those defined as controlled under the provisions of this Article and in accordance with the provisions of the Act.

(e) "Data" shall refer to individual entries (for example, birth date, address, etc.) in records.

(f) "Designate" or "designation" means to give an initial or primary classification to a record or record series indicating the likely classification that a

majority of such records or record series would be given if classified.

(g) "Dispose means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

(h) "Non-public" records shall refer to those records defined as private, controlled, or protected under the provisions of this Article and of the Act.

(i) "Private" records shall refer to those records classified as private under the provisions of this Article and of the Act.

(j) "Protected" records shall refer to those records classified as protected under the provisions of this Article and of the Act.

(k) "Public" records shall refer to those records which have not been classified as non-public in accordance with the provisions of this Article and of the Act.

(l) (1) "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the County where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

(2) "Record" does not mean:

(A) Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;

(B) Materials that are legally owned by an individual in his private capacity;

(C) Materials to which access is limited by the laws of copyright or patent, unless owned by the County;

(D) Junk mail or commercial publications received by the County or by an officer or employee of the County;

(E) Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of County libraries open to the public, regardless of physical form or characteristics of the material;

(F) Personal notes or daily calendars prepared by any County employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or

(G) Proprietary computer software programs as defined in Subsection (c) above that are developed or purchased by or for the County for its own use.

2-3-4. Right of access.

(a) Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the County and subject to Section 2-3-17 hereof, of all County governmental records designated as "public" under the provisions of this Article and of the Act and any policies and procedures developed hereunder.

(b) The County has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

(c) When a record is temporarily held by a custodial county agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Article. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the County.

2-3-5. Classification of records.

(a) Public records shall be those County records as defined in the Act, §63-2-301 (Utah Code Annotated, 1953, as amended) as public. Public records shall be made available to any person. All County records are considered public unless they are expressly classified otherwise in accordance with policies and procedures established under this Article and the Act or are made non-public by the Act or other applicable law.

(b) Private records shall be those County records classified as "private", as defined in the Act, §63-2-302 (Utah Code Annotated, 1953, as amended) and as classified and defined in procedures established pursuant to this Article and in accordance with the Act. Private records shall be made available to the following persons: the subject of the record, the parent or legal guardian of an unemancipated minor who is the subject of a record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power of attorney or a notarized release dated not more than 90 days prior to the request from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

(c) Controlled records shall be those County records classified as "controlled", as defined in the Act, §63-2-303 (Utah Code Annotated, 1953, as amended) and as classified and defined in procedures established in this Article and in accordance with the Act. Controlled

records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release dated not more than 90 days prior to the request from the subject of the record or any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.

(d) Protected records shall be those County records classified as "protected", as defined in the Act, §63-2-304 (Utah Code Annotated, 1953, as amended) and as classified and defined in procedures established in this Article and in accordance with the Act. Protected records shall be made available to the person who submitted the record, to a person who has power of attorney or notarized release dated not more than 90 days prior to the request from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information issued by a court of competent jurisdiction.

2-3-6. Right of privacy.

(a) The County recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The County also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or non-public status is not specifically established by the Act or another statute, by this Article, or by policies established or designations made under this Article, the public's right to access and the record subject's right of privacy must be compared. The County shall not release any records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and procedures established in this Article. Under circumstances and procedures established by this Article, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

(b) The County may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject's record has been made.

2-3-7. Retention of records.

All County records and records series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this Article. The County may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular

record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of and proposed schedules submitted to the County Records Officer who shall be assisted by a Records Classification and Retention Review Committee consisting of the Records Officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the County Attorney as needed. Designation, classification and retention scheduling forms and guidelines shall be prepared and promulgated by the Records Officer.

2-3-8. Request for records.

(a) Under circumstances in which an agency is not able to immediately respond to a records request, the requester shall fill out and present to the agency a written request on forms provided by the County. The date and time of the request shall be noted on the written request form and all times provided under this Article shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and, if applicable, their status when requesting access to non-public records.

(b) An agency may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures. If a written request is denied in whole or in part, the agency shall provide a notice of denial to the requester. The denial notice shall include the reasons for denial and information regarding the appeals process and such other information as may be required by this Article and the Act.

(c) (1) An agency shall respond to a written request for a record as soon as reasonably possible, but no later than ten business days after receiving the request or five business days after receiving a request if the requester satisfactorily demonstrates that an expedited response time primarily benefits the public at large, rather than the requester individually. A requester seeking records for publication or broadcast purposes is presumed to be acting primarily for the benefit of the public at large.

(2) The following extraordinary circumstances shall justify an agency's failure to timely respond to a written request for a record and shall extend the time for response thereto to that time reasonably necessary to respond to the request, as determined by the agency director. Extraordinary circumstances include:

(A) The agency, another agency, or some other governmental entity is currently and actively using

the record requested;

(B) The record requested is for either a voluminous quantity of records or requires the agency to review a large number of records or perform extensive research to locate the materials requested;

(C) The agency is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

(D) The release of a record involves legal issues that require an agency to seek legal counsel for analysis of applicable laws;

(E) The request involves extensive editing to separate public data in a record from that which is not public; or

(F) Providing the information requested requires computer programming or other format manipulation.

(3) When a timely response cannot be made to a record request, the agency shall notify the requester that it cannot immediately approve or deny the request because of one of the extraordinary circumstances listed above, and provide an explanation of the circumstances and an estimate of the time required to respond to the request. If the agency fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

(d) The failure or inability of an agency to respond to a request for a record within the time frames set out herein, or the agency's denial of such a request, shall give the requester the right to appeal as provided in Section 2-3-10.

(e) Any County record which is subject to litigation, criminal investigation or audit or has been requested in accordance with this Article and the Act, that is disposable by approved retention schedule, may not be disposed of until the litigation or audit has been resolved or the request is granted and fulfilled, or sixty days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 2-3-10.

(f) In response to a request for access, an agency may redesignate or reclassify the record or segregate data in the requested record in accordance with this Article and the Act.

2-3-9. Establishment of fees.

(a) An agency may charge a reasonable fee to cover its actual cost of duplicating a record or compiling a record in a form other than that maintained by the agency.

(b) An agency may fulfill a record request without charge and is encouraged to do so when it determines that:

(1) releasing the record primarily benefits the public

rather than a person:

(2) the individual requesting the record is the subject of the record; or

(3) the requester's rights are directly implicated by the information in the record, and the requester is impecunious.

(c) Fee policies adopted by the County shall be consistent with this Section.

(d) The Utah County Recorder's Office shall collect a fee in the amount of \$2.00 per copy for copies of section maps and a fee in the amount of \$4.00 per copy for copies of large subdivision and annexation maps.

(e) The Utah County Microfilm and Records Office shall collect a fee in the following amounts:

(1) \$5.00 for time spent researching County records in excess of 15 minutes and less than one half hour;

(2) \$10.00 for each half hour thereafter; and

(3) \$0.10 per pound for shredding state records. (Ord. No. 1995-18, 7-31-95; Ord. No. 1995-19, 8-30-95)

2-3-10. Appeals.

(a) (1) Persons aggrieved by the County's classification of a record or by an agency's response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with County policies. An initial administrative appeal may be made, at the requester's option, to a hearing board convened pursuant to such policies.

(2) A written notice of appeal shall be filed with the director of the involved agency, who shall immediately notify the County Records Officer. The Records Officer shall institute the initial convening of the hearing board within 10 business days after the date the written notice of appeal is received.

(3) The Records Officer shall send a written notice by certified mail of the date and location of the hearing to the requested, and notice to members of the hearing board and the director of the involved agency. The hearing shall be conducted in accordance with policies adopted by the County Commission and with the Utah Open Meetings Act.

(4) Failure of the hearing board to issue a written decision and forward it to the appellant within five (5) days after conclusion of the hearing grants the requester the right to carry the appeal to the Board of County Commissioners.

(b) (1) A requester who is aggrieved by the hearing board decision or who prefers to proceed directly to a hearing before the County Commission may file an appeal with the Chair of the Board of County Commissioners.

(2) A County Commission review of the appeal shall be initially convened within 21 days following the decision of the hearing board or other appeal request.

(3) Notices and staff assistance regarding the County Commission hearing shall be provided by the County Records Officer and shall be provided as set out in subsection (a) above and in policies and procedures.

(4) Failure of the Board of County Commissioners to issue a written decision within five (5) days after conclusion of the hearing grants to the requester the right to carry the appeal to the District Court.

(5) The appeal of a decision of the Board of County Commissioners may be made to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

(c) The appellant shall set forth in writing the nature and date of the request, attaching a copy of the request form, if available, and setting out the basis and legal authority for the request.

(d) The decisions of any hearing board or the Board of County Commissioners regarding access to or classification of records shall be forwarded to the County Records Officer for corrective action including any reclassification or designation of data or records which may be necessitated by the appellate decision.

2-3-11. Access to persons with disabilities.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this Article.

2-3-12. Amendment of records.

(a) Records held by the County may be amended or corrected as needed, in accordance with §63-2-603, Utah Code Annotated, 1953, as amended. Requests for amendments, corrections, or other changes shall be made in writing to the agency having custody of the records and setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this Article.

(b) This Section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the County Commission determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

2-3-13. Liability for release of records.

(a) A County employee or other person having lawful custody of County records who knowingly refuses to

permit access to records in accordance with the Act and this Article, or who permits access to non-public records knowing that such access is prohibited, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this Article, or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

(b) In accordance with the Act, neither the County nor any of its agencies, officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

2-3-14. Records officers.

(a) There shall be appointed a County Records Officer to oversee and coordinate records access and management and County archives activities. The Records Officer shall make annual reports of records services activities to the Board of County Commissioners.

(b) The Board of County Commissioners may hereafter create a Government Records Access and Management Policy Administration ("Records Policy Administration"), to be chaired by the County Records Officer. Members of the Records Policy Administration, if created, would include representatives from the Commission staff, the County departments, and from the elected offices. The Records Policy Administration, if created, would establish meeting times and policies as needed, and as determined by the County Records Officer.

(c) Each agency of County government shall appoint a Records Representative to assist with and be directly responsible for the implementation of this Article. Regular training shall be provided under the direction of the Records Officer to Agency Records Representatives.

(d) The Records Officer shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the Board of County Commissioners, to govern and implement the provisions of the Act and this Article. Copies of any rule or policy promulgated under this Article shall be forwarded by the County Records Officer to the Utah State Division of Archives within thirty (30) days after its effective date. Any agency's internal policies regarding records management and access shall be consistent with this Article and state law.

2-3-15. Maintenance of records.

(a) Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve County records safely and accurately over the long term. The Records Office shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of County records and shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the Board of County Commissioners.

(b) All County records which constitute an intellectual property right shall remain the property of the County unless federal or state legal authority provides otherwise. All other records shall be the property of the State of Utah. Property rights to County records may not be permanently transferred from the County to any private individual or entity, including those legally disposable obsolete County records of County Archives or other agencies. This prohibition does not include the providing of record copies for release or distribution under this Article. All records disposals shall be conducted in accordance with policies and procedures.

(c) Custodians of any County records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the County Records Officer.

(d) All records which are in the possession of any County agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the County Archives, provided that such transfer is consistent with the formal provisions of such termination.

2-3-16. Preservation of records.

It is the responsibility of each County agency to receive, store, and preserve County agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain County records over a long term in compliance with this Article and the Act.

2-3-17. Storage of records.

(a) The County retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data

processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain County records. All computerized and non-written format records and data which are designated and classified in accordance with the Act and this Article, shall be made available to a requester in accordance with this Article and the Act.

(b) The methods of access to records in non-written formats or data processing systems shall be as determined appropriate by the agency director of the agency maintaining the records, considering all circumstances. Access may include but not be limited to the following:

(1) By using a County computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

(2) By providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data processing system records; or

(3) By the use, where appropriate, of remote terminals which have access to County computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

(c) Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this Article or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the County and software and other materials which have been copyrighted by the County.

2-3-18. Justice Court Records.

Records activities of the County Justice Court system shall comply with and be governed by §63-2-702 of the Act.

2-3-19. Penalty.

Knowing violation of this Article is a misdemeanor, punishable as set forth in this Code of Ordinances.

Article 2-4. Accident Review Board

2-4-1. Establishment of Accident Review Board.

2-4-2. Report of accident.

2-4-3. Evaluation by the Board.

2-4-4. Determination by the Board.

2-4-5. Written report by the Board.

2-4-6. Department Head responsibility.

2-4-7. Disciplinary action.

2-4-8. Appeals.

2-4-1. Establishment of Accident Review Board.

There is hereby established an Accident Review Board for Utah County. The Accident Review Board shall consist of one member representing the Utah County Attorney's Office, one member representing the Utah County Sheriff's Office, the Utah County Personnel Director or his designee, and the Utah County Engineer or his designee. The members of the Utah County Accident Review Board shall be appointed to said Board by the Board of County Commissioners of Utah County, Utah. The Accident Review Board shall review each vehicular accident involving county employees and county vehicles, as described herein, and shall forward its conclusions and recommendations to the Board of Commissioners of Utah County and to the Department Head of the employee involved in said accident. Other types of accidents may be reviewed by the Accident Review Board upon the request of the Department Head of the employee involved in the accident. (Ord. No. 1994-06, 4-25-94; Ord. No. 1994-31, 11-16-94; Ord. No. 1995-06, 6-5-95)

2-4-2. Report of accident.

Each accident involving a county vehicle, shall be reported to the local police, sheriff or highway patrol in accordance with Utah Code Annotated. The accident shall also be investigated by the supervisor of the employee involved in the accident. Each employee involved in an accident with a county vehicle shall submit a signed, detailed report to his or her supervisor on forms to be supplied by the County. The supervisor shall retain a copy of the report for the department files and shall forward the original report to the Civil Division of the Utah County Attorney's Office. The County Attorney's Office will submit the accident for consideration by the Accident Review Board. (Ord. No. 1994-06, 4-25-94)

2-4-3. Evaluation by the Board.

The Accident Review Board shall evaluate the accident and shall consider any or all of the following information:

(a) written evidence presented by the driver concerned, the supervisor and the police report of the accident investigation;

(b) maintenance records of the vehicle or other information available concerning the vehicle both

before and after the accident, including Motor Pool estimates of the cost of repair:

- (c) laboratory tests on vehicle parts;
 - (d) the driver's past driving record;
 - (e) diagrams, photographs, and other evidence;
 - (f) testimony of other drivers and witnesses present.
- (Ord. No. 1994-06, 4-25-94)

2-4-4. Determination by the Board.

The Accident Review Board shall determine, as far as possible, the cause of the accident and whether the accident was preventable. A preventable accident is herein defined as an accident in which the driver failed to exercise every reasonable precaution to prevent the accident. (Ord. No. 1994-06, 4-25-94)

2-4-5. Written report by the Board.

The Accident Review Board shall prepare a written report of their findings and recommendations to the Department Head of the employee involved in the accident to implement corrective action, if indicated. The report shall be delivered to the Utah County Commission, to the employee's Department Head, to the Personnel Department to be placed in the employee's personnel file, and to the Utah County Risk Management Committee. A copy of the report shall be given to the employee. (Ord. No. 1994-06, 4-25-94)

2-4-6. Department Head responsibility.

In the event that the Accident Review Board's findings and recommendations include corrective measures to be taken by the Department Head, the Department Head shall implement those corrective measures as soon as practical. (Ord. No. 1994-06, 4-25-94)

2-4-7. Disciplinary action.

If the accident involved the violation of established policies associated with preventing injuries and incurring liability, corrective disciplinary action shall be taken as soon as practical. Appropriate disciplinary actions may include loss of driving privileges, required defensive driving courses, reassignment or termination of employment. (Ord. No. 1994-06, 4-25-94)

2-4-8. Appeals.

In the event the employee disagrees with the findings of the Accident Review Board or with the action taken by his or her Department Head, the employee may file an appeal to the Utah County Commission. In order for the appeal to be considered, the appeal must be in writing and must be filed with the Utah County Commission within thirty (30) days of the date on

which the employee is provided with a copy of the report from the Accident Review Board. (Ord. No. 1994-06, 4-25-94)

Article 2-5. Campaign Financial Disclosure

2-5-1. Definitions.

2-5-2. Campaign Financial Disclosure.

2-5-3. Penalties.

2-5-1. Definitions.

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them:

(a)(1) "Contribution" means any of the following when done for political purposes:

(A) a gift, subscription, donation, loan, advance, or deposit of money or any tangible item of value given to the filing entity;

(B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or any tangible item of value to the filing entity;

(C) any transfer of funds from another reporting entity, candidate, or a corporation, to the filing entity;

(D) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(E) goods or services provided to or for the benefit of the filing entity at less than fair market value.

(2) "Contribution" does not include:

(A) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity; or

(B) money lent to the filing entity by a financial institution in the ordinary course of business.

(b)(1) "Expenditure" means:

(A) any disbursement from contributions, receipts, or from a separate bank account required by State law;

(B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(D) compensation paid by a corporation or filing entity for personal services rendered by a person without charge to a reporting entity;

(E) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

(F) goods or services provided by the filing entity to

or for the benefit of another reporting entity for political purposes at less than fair market value.

(2) "Expenditure" does not include:

(A) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(B) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(c) "Filing entity" means the reporting party that is filing a report required by this Article. (Ord. No. 1995-30, 12-27-95)

2-5-2. Campaign Financial Disclosure.

(a) Each candidate for county office shall file signed campaign financial statements with the County Clerk/Auditor reporting his or her itemized and total campaign contributions and expenditures at the following times:

(1) Candidates who withdraw or who are eliminated at any time prior to the date of the primary election shall file a signed campaign financial statement containing the information required by this section no later than 30 days after withdrawing or being eliminated;

(2) Candidates for elective office in which a primary election is held shall file a signed campaign financial statement containing the information required by this section seven days before the date of the primary election, reporting contributions and expenditures as of ten days before the date of the primary election;

(3) Candidates for elective office who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election;

(4) Candidates for elective office at the general election shall file a signed campaign financial statement containing the information required by this section seven days before the date of the general election, reporting contributions and expenditures as of ten days before the date of the general election;

(5) Candidates for elective office at the general election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the date of the general election.

(b) The statement filed seven days before the primary election and the statement filed seven days before the general election shall include:

(1) a list of each contribution of more than \$50 received by the candidate as of ten days before the election, and the name of the donor;

(2) an aggregate total of all contributions of \$50 or less received by the candidate as of ten days before the election; and

(3) a list of each expenditure for political purposes made during the reporting period, and the recipient of each expenditure.

(c) The statement filed 30 days after the primary election and the statement filed 30 days after the general election shall include:

(1) a list of each contribution of more than \$50 received after the cutoff date for the prior statement, and the name of the donor;

(2) an aggregate total of all contributions of \$50 or less received by the candidate after the cutoff date for the prior statement; and

(3) a list of each expenditure for political purposes made by the candidate after the cutoff date for the prior statement, and the recipient of each expenditure. (Ord. No. 1998-12, 6-9-98)

2-5-3. Penalties.

Any person who fails to comply with the requirements of this Article shall be guilty of an infraction. (Ord. No. 1995-30, 12-27-95)

Article 2-6. Burial of the Indigent Dead

2-6-1. Purpose of the provisions.

2-6-2. Cremation Services – Designated.

2-6-3. Attendance of services and disposal of remains.

2-6-4. Objections to cremation.

2-6-1. Purpose of the provisions.

It is the purpose of this chapter to provide for the cremation of the bodies of transient indigent and indigent dead as a means of disposition which is socially acceptable and an advisable alternative to burial, as provided in Section 17-5-250 and Section 17-5-252, Utah Code Annotated, 1953 as amended. (Ord. No. 1998-21, 12-08-98)

2-6-2. Cremation Services - Designated.

The bodies of those transient indigent or indigent dead for whom the County has responsibility shall be disposed of by cremation. However, in the event the transient indigent or indigent decedent dies as a result of a homicide, the County shall provide for burial in accordance with Article 2-6-4. As used in this Article, "cremation services" shall not be deemed to include the interment of cremated remains in a burial plot, grave, tomb, vault, crypt, or mausoleum, nor the conducting of memorial or funeral services at County expense. (Ord. No. 1998-21, 12-08-98)

2-6-3. Attendance of services and disposal of remains.

The friends and family of a transient indigent or

indigent decedent shall have the right to attend and witness cremation services held under this Article. If any surviving family members of a transient indigent or indigent decedent so desires, cremated remains shall be deposited in an urn or other suitable container and custody thereof given to that family member. If a transient indigent or indigent decedent has no known surviving family, or if family members decline custody of cremated remains, such remains shall be disposed of at the discretion of the mortuary responsible for cremating, such disposal to be performed with all due respect for the dead. (Ord. No. 1998-21, 12-08-98)

2-6-4 Objections to Cremation.

In the event that a surviving spouse, sibling, parent or direct descendant of a transient indigent or indigent decedent objects to disposition by cremation before the transient indigent or indigent decedent is cremated, the County may supply without charge a burial plot in a cemetery of the County's choice, in an amount equal to or less than the cost of cremation; provided, however, that the County shall have no further responsibility for supplying casket, vault, crypt, mausoleum, or funeral or burial services for such decedent. If no objection is made pursuant to this Section, or if a transient indigent or indigent decedent has no known surviving family, said transient indigent or indigent decedent shall be disposed of by cremation. This will satisfy in full the statutory requirements of Section 17-5-250, Utah Code Annotated, 1953 as amended. (Ord. No. 1998-21, 12-08-98)

Article 2-7. Contact by and with individual Utah County Commissioners outside regularly scheduled Board of Utah County Commissioner meetings.

2-7-1. Purpose

2-7-2. Definitions

2-7-3. Goal

2-7-4. Permitted contact between individual commissioners and constituents outside regularly scheduled County Commissioner meetings.

2-7-5. Prohibited Contact between individual commissioners and others outside regularly scheduled County Commission meetings.

2-7-6. Penalty for Violation.

2-7-1 Purpose.

The governmental entity of Utah County can only act

upon a majority vote of the Board of Utah County Commissioners. A commissioner has no authority to individually represent the position of Utah County, or to bind Utah County, without the prior authority of the Board. Communications between individual commissioners and parties to litigation affecting Utah County could cause detrimental results to Utah County in the litigation.

In matters in which the Board of Utah County Commissioners sits as a quasi-judicial body, it is imperative that the Board remains impartial and neutral to both sides of an issue. (Ord. 2003-14,4-22-2003).

2-7-2 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them below:

(a) "Ex parte contact" means contact by one side only of a matter before the Board of Utah County Commissioners, when said Board is acting in its quasi-judicial capacity.

(b) "Legislative capacity" means that role of the Board of Utah County Commissioners involved with the framing and enactment of laws for the County, including the adoption of or amendments to the Utah County Code, the adoption of or amendments to the Utah County General Plan, the adoption of or amendments to the Utah County Zoning Ordinance, and the rezoning of properties.

(c) "Litigant" means one engaged in litigation.

(d) "Litigation" means a judicial controversy or dispute, either civil or criminal, involving Utah County as a party thereto, including disputes where Utah County or Utah County employees have been named as defendants in a civil suit, disputes where a claimant has served a Notice of Claim on Utah County, disputes where individuals or entities have filed an application before the Utah County Board of Adjustment, or are appealing a decision of the Utah County Board of Adjustment, or matters where Utah County has filed a civil complaint or criminal action against an individual or entity for violation of provisions of the Utah County Code, the Utah County Zoning Ordinance, or the Utah County Health Code.

(e) "Quasi-Judicial capacity" means that role of the Board of Utah County Commissioners where it acts to investigate facts, and draw conclusions therefrom, as a basis for its official actions, and to exercise discretion of a judicial nature, including matters in which the Board of Utah County Commissioners acts in its capacity as the Utah County Board of Equalization, acts as an appellate body, considers a request for approval of a large scale development, as defined by the Utah County Zoning Ordinance,

considers a conditional use permit request, or considers an exception to the Utah County Zoning Ordinance requiring its approval. (Ord. 2003-14,4-22-2003).

2-7-3. Goals.

(a) To permit contact between individual commissioners and constituents in matters in which the Board of Utah County Commissioners is acting in its legislative capacity.

(b) To prohibit contact between individual commissioners and litigants in litigation by or against Utah County.

(c) To prohibit ex parte contact between individual commissioners and proponents or opponents in matters in which the Board of Utah County Commissioners is acting in its quasi-judicial capacity. (Ord. 2003-14,4-22-2003).

2-7-4 Permitted contact between individual commissioners and constituents outside regularly scheduled County Commission meetings.

(a) Legislative Capacity Matters. Contact between individual commissioners and constituents is permitted when the contact regards matters involving the legislative capacity of the Board of Utah County Commissioners.

2-7-5 Prohibited Contact between individual commissioners and others outside regularly scheduled County Commission meetings.

(a) Litigation Matters. Contact between individual commissioners and litigants, counsel for litigants, any representative of litigants, or other implied representative of litigants involved in litigation with Utah County shall be prohibited outside regularly scheduled meetings of the Board of Utah County Commissioners. Individual commissioners are prohibited from participating in site or office visits, written communication, electronic communication, or verbal conversation either face-to-face or over the telephone, with any litigant, counsel for a litigant, any representative of a litigant, or other implied representative of a litigant involved in litigation with Utah County. In actions filed by Utah County, such as violation of the Utah County Code, the Utah County Zoning Ordinance, or the Utah County Health Code, this prohibition shall begin when the matter is referred to the Utah County Attorney's Office. In actions against Utah County, this prohibition shall begin when it becomes apparent that litigation is imminent against Utah County, when a Notice of

Claim is served, or when a Complaint is filed, whichever occurs first. In matters before the Utah County Board of Adjustment, this prohibition shall begin when an application is filed with the Board of Adjustment.

(1) If a litigant, counsel for a litigant, representative of a litigant, or other implied representative of a litigant initiates contact with an individual commissioner, the commissioner shall immediately inform the initiator of the contact of the prohibition of such contact and shall immediately terminate the contact. The commissioner shall inform the Board of Utah County Commissioners of the attempted contact at the next meeting of the Board, or shall document such contact in a written memorandum to the other Commissioners and the Utah County Attorney's Office in a timely fashion.

(b) Quasi-Judicial Capacity Matters. Contact between individual commissioners and others outside a regularly scheduled Board of Utah County Commissioners meeting regarding matters involving the quasi-judicial capacity of the Board of Utah County Commissioners shall be considered ex parte contact and shall be prohibited. Individual commissioners are prohibited from participating in site or office visits, written communication, electronic communication, or verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such contact involves the quasi-judicial capacity of the Board of Utah County Commissioners. In matters involving the Utah County Board of Equalization, this prohibition shall begin when an application or appeal is filed with the Utah County Board of Equalization. In matters involving a large scale development approval request, conditional use permit request, or an exception to the Utah County Zoning Ordinance requiring County Commission approval, this prohibition shall begin when an application is filed with the Utah County Community Development Department. This prohibition shall apply to both proponents and opponents of a matter involving the quasi-judicial capacity of the Board of Utah County Commissioners.

(1) If an individual involved in a quasi-judicial capacity matter initiates contact with an individual commissioner, the commissioner shall immediately inform the initiator of the contact of the prohibition of such contact and shall terminate the contact. The commissioner shall inform the Utah County Attorney's Office of such contact by memorandum in a timely fashion.

(2) Written material provided by one side in a quasi-judicial capacity matter should be made a part of the record of the Board of Utah County

Commissioners. (Ord. 2003-14, 4-22-2003).

2-7-6 Penalty for Violation.

A Commissioner in violation of this Article or any part thereof shall be guilty of an infraction and upon conviction thereof may be sentenced to pay a fine not to exceed \$250.00. . (Ord. 2003-14, 4-22-2003).

Article 2-8. Rules of Procedure for the operation of the Board of Utah County Commissioners and other Utah County Offices and Departments.

2-8-1. Purpose

2-8-2. Commission Meeting Agendas

2-8-3. General Rules of Procedure.

2-8-4. Authority of Commission Chair.

2-8-5. Authority of Commissioners.

2-8-6. Commission Decorum.

2-8-7. Commission Administration.

2-8-8. Procedures of other County Offices and Departments.

2-8-1 Purpose

The Board of Utah County Commissioners has the responsibility of managing the governmental and business affairs of Utah County, and does so through various capacities of the Board, including its legislative capacity, its executive or administrative capacity, and its quasi-judicial capacity. Procedural rules for the operation of the Board are necessary to allow for the proper and professional management of the governmental business affairs of Utah County. (Ord. 2003-24, 7-1-03).

2-8-2 Commission Meeting Agendas.

(a) All action or information items desired to be included on the agenda of a County Commission meeting are to be filed with the Commission Clerk by departments at least two and a half business days prior to the Commission meeting. (b) The County Commission Chair is responsible to provide the Agenda for County Commission meetings and all available backup materials to the other Commissioners, and said Agenda and backup materials shall be provided to the other Commissioners at least one business day prior to the County Commission Meeting. (Ord. 2003-24, 7-1-03).

2-8-3 General Rules of Procedure.

(a) Parliamentary rules for the County Commission are to be governed by Robert's Rules of Order recognizing the basic tenets and principles of

parliamentary procedure: courtesy to all, justice to all, one item at a time, the rule of the majority, the rights of the minority, and partiality to none. (b) A County Commission meeting is adjourned only after being declared adjourned by the Chair. (c) Public comment shall generally be limited to three minutes per individual and should not be redundant. The three minute limit may be waived by the Chair or a majority of the Commission. (Ord. 2003-24, 7-1-03).

2-8-4 Authority of Commission Chair.

(a) The Chair of the County Commission may call another Commissioner to order if the other Commissioner's remarks are not relevant to the subject under discussion or for lack of decorum by the other Commissioner. (b) The Chair is obligated to vote or abstain with explanation on each motion, except as otherwise provided for by State law. (c) The Chair may discuss a motion just as any other Commissioner without relinquishing the position of Chair. (d) In the event of a tie vote of the Commission, the Chair shall rule that the motion is lost. (e) The Chair may call a recess for a definite period if no objection is raised. If an objection is raised, the Chair is obligated to call for a motion. (Ord. 2003-24, 7-1-03).

2-8-5 Authority of Commissioners.

(a) Commissioners must vote or abstain with explanation on every motion, unless otherwise provided by State law. (b) Each Commissioner may be limited to a specific period of time by the Chair for discussion of each subject. This time limitation may be automatically extended if there is no objection thereto. If an objection is made, a motion to extend time must be made, seconded, and approved by a two-thirds vote of the Commission. (c) Commissioners may appeal from a decision of the Chair without a second and said appeal shall be decided by a majority vote of the Commission. (Ord. 2003-24, 7-1-03).

2-8-6 Commission Decorum

(a) The Chair or any other Commissioner who receives a request for a dignitary function on behalf of the County shall forward this request to all Commission members in a timely manner. The Chair is generally the appropriate representative for dignitary functions. (b) The Chair or any Commissioner who receives a press inquiry involving County business shall forward notice of the press inquiry to all Commissioners in a timely manner. The Commissioner receiving the press inquiry must attempt to refer the nature of the inquiry and his/her general response to all Commissioners in a reasonable time, manner and method. (c) An individual

Commissioner is prohibited from representing or implying what the position of Utah County is, or from binding Utah County, without the prior authorization of the Board of Utah County Commissioners. (d) Press releases stating or inferring a position of Utah County generated by an individual Commissioner must be circulated to all available Commissioners prior to release. (e) A Commissioner may not utilize County employees or County resources for furtherance of the Commissioner's proposals involving County business unless authorized by a majority of the Board of Utah County Commissioners. However, requests for existing Departmental information and utilization of the County Attorney's Office to assist in drafting proposals and legislation is permissible. (f) An individual Commissioner is prohibited from waiving or modifying any policy, procedure, or fee established by the Board of Utah County Commissioners. Any such waiver or modification must be approved by official action of the Board of Utah County Commissioners. (Ord. 2003-24, 7-1-03).

2-8-7 Commission Administration.

(a) The Board of Utah County Commissioners shall annually assign administrative responsibility for the various County departments to each of the individual Commissioners in the form of "portfolio" management assignments. The responsibility of a portfolio assignment for a Commissioner for a given department includes:

- (1) Periodic attendance of the Commissioner at portfolio department staff meetings,
- (2) Review by the Commissioner of agenda requests by a portfolio department for completeness and for recommendation of session placement on the Commission agenda. All complete agenda requests which require action by the County Commission must be placed on the County Commission Agenda,
- (3) Becoming familiar with portfolio departmental staffing requirements,
- (4) Review and approval by the Commissioner of purchase orders and expenditures for each portfolio department,
- (5) Review and assistance by the Commissioner in annual budget preparation and adjustments for each portfolio department, and
- (6) Review and assistance by the Commissioner in resolution of citizen inquiries and complaints for each portfolio department.

(b) All citizen inquiries and complaints shall be forwarded to the Commissioner who has the department involved with the citizen inquiry or complaint in his/her portfolio. (Ord. 2003-24, 7-1-03).

2-8-8 Procedures of Other County Offices and

Departments

(a) Other County offices and departments may not issue press releases, stating or inferring the official position of the Utah County Commission, without prior Commission approval.

(b) Department policies and procedures manuals may be adopted to address internal department operations. For departments supervised by an appointed or merit employee department head, departmental policies and procedures and subsequent modifications will have effect after approval by the Director of Personnel Management and the County Commission after legal review by the County Attorney.

(c) For departments supervised by an elected department head, departmental policies and procedures and subsequent modifications must be approved as follows, after legal review by the County Attorney:

(1) Policies and procedures concerning personnel matters will have effect after approval by the Director of Personnel Management and the County Commission;

(2) Policies and procedures concerning matters of general county administrative ordinances, rules or policies or the legislative powers, duties or functions of the County will have effect after approval by the County Commission.

(3) Policies which pertain to the performance of the elected officer's functions, duties, and responsibilities specifically provided for by law may be established by the elected department head consistent with existing law.

(d) Any department policies and procedures which conflict with the Utah County Office of Personnel Management Rules and Regulations, or which concern personnel matters addressed in the Utah County Office of Personnel Management Rules and Regulations, or which are assigned to the Director of Personnel Management or the Office of the Personnel Management by the County Personnel Management Act, 17-33-1 et seq., U.C.A. 1953 as amended, are hereby rescinded. The determination as to whether the department policy is in conflict with the Personnel Rules and Regulations shall be made by the Director. (Ord. 2011-2, 1-11-11)

Article 2-9. Regular Meetings of the Board of County Commissioners for 2006 to be held at county seat.

In accordance with Sections 17-53-204 and 52-4-6, Utah Code Annotated, 1953 as amended, notice is

hereby given that the Board of County Commissioners of Utah County, Utah, will hold its regular meetings during 2006 at the county seat of Utah County on Tuesday of each week, from 9:00 a.m. until finished, and on the last Wednesday of each month, from the hour of 5:30 p.m. until finished, unless otherwise changed by action of a quorum of the Board of County Commissioners of Utah County, Utah. All regular meetings of the Board of County Commissioners will be held in Room 1400 of the Utah County Administration Building, 100 East Center Street, Provo, Utah, unless otherwise changed by action of a quorum of the Board of County Commissioners of Utah County, Utah. (Ord. 2005-36, 12-13-05).

Article 2-10. The County Logo and Slogan.

(a) The County Logo is described as follows: A sketch of Mount Timpanogos and the Wasatch Range, with the words AUtah County, The heart of Utah@ below.

(b) The County Commission is authorized to develop and approve other County logos and any logo so approved by the County Commission shall be retained on file with the County Commission.

(c) Use of Logo and Slogan. The County Logo and Slogan shall only be used for the official business of Utah County, its County Commission, boards and commissions, officers or departments, except upon approval of the County Commission by ordinance or resolution.

Except as provided for in this Section, no individual or entity, other than Utah County and its authorized agents, shall reproduce, use, give away, sell, or distribute any logo and/or slogan, or facsimile thereof, purporting to be or represented to be the logo and/or slogan of Utah County.

(d) Additional County Logos and Slogans. The Utah County Commission retains the right to create variations of the County Logo and Slogan and to adopt and establish other official logos and slogans. Such variations may include, but are not limited to, centennial seals, or other seals which mark anniversaries, events, and/or any other County occasion the County wishes to commemorate.

(e) Amendment of County Logo and Slogan. The County Logo and Slogan may be altered pursuant to resolution of the Board of County Commissioners.

(f) Custodian of County Logo and Slogan and other Commission-adopted Logos and Slogans. The County Clerk shall be the official custodian of the County logo and slogan, and any other County logo and slogan adopted by the Board of Commissioners.

(g) Use of County Logo and Slogan by Employee Organization. A recognized employee organization

may use the County seal or logo and slogan, or facsimile thereof, on stationery and printed materials used in the scope of its representation of County employees and on articles of clothing intended for use by County employees.

(h) Promotional Use of County Logo and Slogan. The County Commission is empowered to authorize the use of the County logo and slogan on items that are offered for sale by Utah County for the purpose of promoting Utah County.

(i) Penalty. Any person violating this ordinance shall be guilty of an infraction. A violation of this ordinance may be prosecuted by the Utah County Attorney's Office in the name of the people of the State of Utah, or redressed by civil action. Every violation of this ordinance is punishable by:

(1) a fine not exceeding one hundred dollars (\$100) for a first violation;

(2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year;

(3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. The County reserves the right to take any other legal action it finds appropriate to enforce this ordinance.

(j) Severability. If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter, and clauses of this chapter are declared to be severable. (Ord. 2015-5, 3-17-15)

