

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.

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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

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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

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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, stipend checks for inmates who work in the jail, vehicle purchases with payment terms less than 30 days, 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) Utah County purchase orders shall require the following approvals:

(1) Purchase orders for the following purchases shall require approval by the Board of County Commissioners:

(A) For purchases made from a county department headed by an elected official, all purchase orders over \$10,000 that have not been authorized by an approved Utah County agreement;

(B) For purchases made from a county department headed by an appointed department head, all purchase orders over \$5,000 that have not been authorized by an approved Utah County agreement;

(C) Travel requests for a period of travel exceeding 7 days;

(2) 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 that do not require the approval of the Board of County Commissioners as provided for in 2-1-4(c)(1). Notwithstanding the requirements of 2-1-4(c)(1), the County Purchasing Agent may approve purchase orders for the following purchases:

(A) Postage costs paid to the United States Postal Service and State of Utah Mail Services;

(B) Debt service payments related to County bonds;

(C) FGP & SCP volunteer stipends;

(D) Pass-through payments for intergovernmental purposes (for example, the State portion of marriage license fees or vital records fees);

(E) Payments to the health insurance provider for Utah County;

(F) Refunds;

(G) Survivor benefits in accordance with the rules and regulations governing human resources;

(H) Vaccinations and medications obtained by the Health Department;

(I) Utility payments including those for electricity, natural gas, water, and telecommunication services; or

(J) Bulk fuel purchases made at facilities owned by the County and fuel purchases made pursuant to requisitions to the State of Utah Gas card program or similar program. (Ord. 2015-15, 5-12-15; Ord. 2019-24, 6-18-19).

(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

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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)(Ord. 2016-21, 8-9-16).

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.

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(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).

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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 privacy.

2-3-5. Classification and Retention of records.

2-3-6. Request for records.

2-3-7. Establishment of fees.

2-3-8. Appeals.

2-3-9. Amendment of records.

2-3-10. Records officers.

2-3-11. Management of records.

2-3-12. Justice Court Records.

2-3-13. 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 and this Article, for the public good.

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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 63G, Utah Code Annotated, 1953, as amended, (hereinafter referred to as "the Act") an ordinance acknowledging and complying with the Act and providing for its application in the County. County agencies shall comply with the provisions of the Act except for the section of this Article that are contrary to or in addition to the Act, as allowed by the Act, and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

2-3-3. Definitions.

(a) Unless otherwise defined herein, the defined terms in the Act shall have the same meaning in this Article as they have in the Act.

(b) As used in this Article, the following definitions shall be applicable:

(1) "Act" shall refer to the Government Records Access and Management Act, §63G-2-101, et seq., Utah Code Annotated, 1953, as amended.

(2) "Agency" shall refer to any office, department, division, section, staff office, board, committee or other division of Utah County Government.

(3) "Chief Administrative Officer" shall refer to the Utah County Board of Commissioners.

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

(5) "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.

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

2-3-4. 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.

(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.

2-3-5. Classification and Retention of records.

(a) All County records and records series, of any format, shall be evaluated, designated and classified under the supervision of the County Records Officer according to the provisions of this Article and Part 3 of the Act, as amended. Upon receipt of a records request under the Act, the Utah County Attorney shall make the final determination as to the classification or reclassification of the requested records.

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(b) All County records and records series, of any format, shall be scheduled for retention under the supervision of the County Records Officer and according to the provisions of the Act and this Article. Utah County shall retain its records in compliance with the County General Retention Schedule created and maintained by the Utah Division of Archives and Records Service unless and until the County adopts a records retention schedule. 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. Designation, classification and retention scheduling forms and guidelines may be prepared and promulgated by the Records Officer.

(c) Each Agency shall receive, store, and preserve County records and provide reasonable access thereto as may be calculated to accurately and safely maintain County records during the retention period in compliance with this Article and the Act.

(d) The County retains and reserves to itself the right to use any type of format for the storage, retention and retrieval of government records, including but not limited to, imaging or electronic information storage or processing equipment or systems.

(e) 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.

2-3-6. Request for records.

(a) Under circumstances in which an Agency is not able to immediately respond to a records request, the requester shall submit a records request through the State of Utah web-based Open Records Portal or fill out and present to the Agency a written request in compliance with the Act. For written requests, the date and time of the request shall be noted on the written request form and all deadlines provided under this Article and the Act shall commence from that time and date. For requests submitted through the Records Portal, the deadlines provided under this Article and the Act shall be calculated within the Records Portal.

(b) Requesters of non-public information shall adequately identify themselves and, if applicable, their status when requesting access to non-public records.

(c) 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.

2-3-7. Establishment of fees.

(a) Utah County or any of its Agencies may charge a reasonable fee to cover the actual cost of duplicating a record or compiling a record in a form other than that maintained by the Agency.

(b) All fees charged hereunder shall be consistent with the Act and the adopted Utah County Fee Schedule.

(Ord. No. 1995-18, 7-31-95; Ord. No. 1995-19, 8-30-95)

2-3-8. Appeals.

(a) Utah County adopts the Appeal procedure from Part 4 of the Act, as amended, with the

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following amendments or additions to provide for the specific appeal procedure in Utah County and recognizing that in some respects Utah County has limited resources that necessitate the time frames provided for herein:

(1) A requester or interested party may appeal an access denial or County claim of extraordinary circumstances, including the date for compliance, to the County's chief administrative officer, by filing a written notice of appeal, satisfying the requirements of a notice of appeal in the Act, with the chairperson of the Utah County Board of Commissioners within 30 calendar days of the denial.

(2) The chief administrative officer shall, within five business days of receipt of the notice of appeal, enter its decision on the appeal or schedule the appeal for an administrative hearing to be held within 15 business days of receipt of the notice of appeal.

(3) If the appeal involves a record that is the subject of a business confidentiality claim under the Act, an administrative hearing shall be scheduled.

(4) If an administrative hearing is held, the chief administrative officer shall provide adequate notice to the requester, interested party or business confidentiality claimant with the date, time, and location of the hearing where they will have an opportunity to be heard concerning the appeal and within five business days of holding the hearing, enter its decision on the appeal.

(5) Failure of the chief administrative officer to issue a decision or schedule an administrative hearing within five business days of receiving the notice of appeal, or failure to issue a decision within five business days of the administrative hearing, is the equivalent of affirming the access denial.

(6) The chief administrative officer shall send written notice of its decision to all participants.

(7) If the chief administrative officer's decision is to affirm the access denial in whole or in part, the notice required herein shall satisfy the requirements of the Act.

(b) If the decision of the chief administrative officer is to affirm the access denial in whole or in part, the requester or interested party may appeal the decision to the Utah State Records Committee or petition for judicial review of the decision in state district court in accordance with the Act.

2-3-9. Amendment of records.

(a) Records held by the County may be amended or corrected as needed, in accordance with the Act. 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 necessary, County shall comply with the Open and Public Meetings Act before amending a record. 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.

(c) Denials of requests to amend records may be appealed following the appeal procedure

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provided by this Article.

2-3-10. 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.

2-3-11. Management of records.

(a) Records management procedures shall be developed to ensure that due care is taken to maintain and preserve County records safely and accurately during the retention period for each classification of record. The Records Officer shall work with County departments to ensure the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records. The Records Officer 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) 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.

2-3-12. Justice Court Records.

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

2-3-13. Penalty.

(1) (a) A public employee or other person who has lawful access to any private, controlled, or

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protected record under this article, and who intentionally discloses, provides a copy of, or improperly uses a private controlled, or protected record knowing that the disclosure or use is prohibited under this article, is, except as provided in Subsection 53-5-708(1)(c) of the Utah Code, guilty of a class B misdemeanor.

(b) It is a defense to prosecution under Subsection (1)(a) that the actor used or released private, controlled, or protected information in the reasonable belief that the use or disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property.

(c) It is a defense to prosecution under subsection (1)(a) that the record could have lawfully been released to the recipient if it had been properly classified.

(d) It is a defense to prosecution under Subsection (1)(a) that the public employee or other person disclosed, provided, or used the record based on a good faith belief that the disclosure, provision, or use was in accordance with the law.

(2) (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which the person is not legally entitled is guilty of a class B misdemeanor.

(b) No person shall be guilty under subsection (2)(a) who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.

(3) (a) A public employee who intentionally refuses to release a record, the disclosure of which the employee knows is required by law, is guilty of a class B misdemeanor.

(b) It is a defense to prosecution under Subsection (3)(a) that the public employee's failure to release the record was based on a good faith belief that the public employee was acting in accordance with the requirements of law.

(c) A public employee who intentionally refuses to release a record, the disclosure of which the employee knows is required by a final unappealed order from a government entity, the records committee, or a court is guilty of a class B misdemeanor. (Ord. No. 2016-13, 4-19-16) (2019-25, 6-25-19).

Article 2-4. Accident Review Board

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

2-4-2. Report of Accident.

2-4-3. Vehicular Accident Evaluation by the Board.

2-4-4. Non-Vehicular Accident Evaluation by the Board.

2-4-5. Determination by the Board.

2-4-6. Written report by the Board.

2-4-7. Department Head responsibility.

2-4-8. Recommended Corrective and Disciplinary action.

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 the Civil Division Chief, Utah County Attorney's Office; the Utah County Human Resources Director; the Utah County Sheriff; the Utah County Public Works Director; and the Utah County Health Department Director, or their designees. The Accident

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Review Board shall review each vehicular accident involving a County vehicle, each vehicular accident involving a County employee occurring during the scope of employment (“vehicular accident”), each industrial accident, each accident causing damage to County property or injury to a County employee or person while on County property, and each accident resulting in a worker’s compensation claim (collectively a “non-vehicular accident”). (Ord. No. 1994-06, 4-25-94; Ord. No. 1994-31, 11-16-94; Ord. No. 1995-06, 6-5-95; Ord. No. 2017-4, 4-25-17)

2-4-2. Report of accident.

If required by applicable law, each vehicular accident shall be reported to the local police, sheriff or highway patrol. Each vehicular accident and each non-vehicular accident shall be investigated by the supervisor of the employee involved in the accident. Each employee involved in an accident 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 review by the Accident Review Board. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

2-4-3. Vehicular Accident Evaluation by the Board.

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

- (a) information 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; and
- (g) other information deemed relevant by the Board. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

2-4-4. Non-Vehicular Accident Evaluation by the Board.

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

- (a) information presented by the employee concerned, the supervisor and any other reports of the accident investigation;
- (b) maintenance records of any equipment related to the accident;
- (c) the existence or nonexistence of safety or protective features;
- (d) the employee's past accident record;
- (e) diagrams, photographs, and other evidence;
- (f) information from witnesses present; and
- (g) other information deemed relevant by the Board. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17; Ord. No. 2017-4, 4-25-17)

2-4-5. Determination by the Board.

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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 defined as an accident in which the employee failed to act reasonably to prevent the accident. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

2-4-6. Written report by the Board.

The Accident Review Board shall prepare a written report of its findings and recommendations to the Department Head of the employee involved in the Accident, including any recommended corrective or disciplinary action. The report shall be delivered to the Utah County Commission, to the employee's Department Head, to the Human Resources Department to be placed in the employee's personnel file, and to the employee. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

2-4-7. Department Head responsibility.

If the Accident Review Board's findings and recommendations include recommended corrective measures or disciplinary action to be taken by the Department Head, the Department Head shall consider the recommendations from the Accident Review Board and shall implement those corrective measures and disciplinary actions which the Department Head deems appropriate. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

2-4-8. Recommended Corrective and Disciplinary Action.

Recommended corrective and disciplinary actions may include facility modifications, equipment modifications, modifications to operating procedures, program modifications or changes, loss of driving privileges, required defensive driving courses, required safety training, reassignment of personnel to other tasks, suspension with or without pay, termination, or any other recommended corrective or disciplinary actions deemed appropriate by the Accident Review Board based on individual circumstances. (Ord. No. 1994-06, 4-25-94; Ord. No. 2017-4, 4-25-17)

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

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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

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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

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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

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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).

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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

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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) To the extent practicable, all action or information items desired to be included on the agenda of a County Commission meeting are to be filed on the County agenda system by 5:00 p.m. on the Friday before the Commission meeting.

(b) The County Commission Chair is responsible for organizing the Agenda. Any Commissioner may request that any agenda item be added to or removed from the consent agenda portion of the meeting agenda. The items moved to the consent agenda shall be approved by consent if no Commissioner in attendance at the meeting objects to the action. No separate vote is required. If any Commissioner objects to the approval by consent of any agenda item, such agenda item shall be removed from the consent agenda and remain on the regular agenda. Approval of the consent agenda constitutes approval of each of the items on the consent agenda. The agenda shall be available to the public. Backup materials shall, as a general policy, be made available to the public, but only to the extent practicable and taking into consideration the Government Records Access Management Act, privacy laws, personal privacy interests, the best interests of Utah County Government, and other considerations. The backup materials made available to the public shall contain a clear indication that the County Commission has not yet approved the agenda item.

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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) Any Commissioner who receives a request for a dignitary function on behalf of the County shall forward the request to the other Commissioners within a reasonable time, and in a reasonable manner. The Chair is generally the appropriate representative for dignitary functions.

(b) Any Commissioner who receives a press inquiry involving County business shall notify the other Commissioners of the nature of the request and of the general substance of the response to the inquiry, within a reasonable time, and in a reasonable manner.

(c) If the Board of Utah County Commissioners has not officially adopted a position regarding an issue, an individual Commissioner is prohibited from representing or implying what the position of Utah County is regarding any such issue.

(d) An individual Commissioner cannot bind Utah County to any position, obligation, or liability, without the prior express authorization of the Board of Utah County Commissioners.

(e) Press releases generated by one or more Commissioners stating or inferring a position of Utah County regarding any issue must be approved by official action of the Board of Utah County Commissioners prior to release.

(f) 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

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the Board of Utah County Commissioners. However, requests for existing Departmental information, use of County Commission staff, and utilization of the County Attorney's Office to assist in drafting proposals and legislation, are permissible.

(g) 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; Ord 2016-5, 2-2-16).

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.

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(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 to be held at county seat.

In accordance with Sections 17-53-204 and 52-4-202, 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 at the county seat of Utah County on those dates and times designated in the annual meeting schedule, 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; Ord. 2016-18, 6-21-16; Ord.2018-28, 12-4-18).

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 "Utah 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.

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(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. 2015-7, 3-17-15)

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Article 2-11. County legislative body's consent to the appointment of deputies and employees.

2-11-1. Authority to Appoint Deputies and Employees.

Each elected County officer, except County Commissioners, may, with the consent of the County legislative body, appoint deputies and employees as necessary for the discharge of the duties of the County officer's office.

2-11-2. Method of Providing Consent by the Legislative Body.

The County legislative body's consent to the appointment of deputies and employees by County officers shall be given by any of the following methods:

- (a) The County budget approval process, which shall be the standard method of consent by the County legislative body;
- (b) Approval or disapproval of the hiring of individual applicants;
- (c) Approval of the County staffing plan; or
- (d) Approval of an allocation of a certain number of positions.

2-11-3. Deputy Appointment Process, Liability of Officer, Effect of Vacancy, and Oath of Office.

- (a) Each elected County officer appointing a deputy shall, for each deputy appointed, file a signed writing with the County Clerk/Auditor that memorializes the appointment.
- (b) The powers of the deputy include the powers of the elected County officer unless limited by the deputy's written appointment, by office policy or by job description.
- (c) The elected County officer appointing the deputy is liable for all official acts of the deputy.
- (d) If the office of the County officer who appointed the deputy becomes vacant, the deputy may continue to serve despite the vacancy.

- (e) Each elected County officer appointing a deputy shall, for each deputy appointed, require that the deputy appear before the County Clerk/Auditor, or a deputy Clerk/Auditor, to take the oath of office, or shall file a signed writing with the County Clerk/Auditor that memorializes the proper administration of the oath of office.