

SUMMIT COUNTY, UTAH
ORDINANCE NO. 935

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

PREAMBLE

WHEREAS, on November 2, 2021, the residents of Summit County overwhelmingly supported and passed a General Obligation Bond (the “Bond”) in a principal amount not to exceed Fifty Million Dollars (\$50,000,000) for the purpose of paying all or a portion of the costs of the acquisition of passive and active open space, conservation easements, and constructing recreational amenities and environmental and wildlife mitigation measures and related improvements within Summit County; and,

WHEREAS, the County Manager and County Council desire the advice of the county residents as to the expenditure of these Bond funds for the purpose of acquisition of real property or real property interests; and,

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

WHEREAS, OSAC shall be composed of a nine (9) member committee and three (3) regional advisory groups, from regions more particularly delineated in Summit County Code, Title 2, Chapter 42, and denoted as the West Summit Regional Advisory Group, the North Summit Regional Advisory Group, and the South Summit Regional Advisory Group, whose members shall reside in the geographical boundaries of their respective Regional Advisory Group; and,

WHEREAS, OSAC shall have the power and duty to advise the County Manager as to the appropriate uses and expenditures of the Bond funds and shall prioritize and refer funding proposals to the County Manager for decision;

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

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

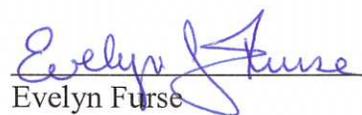
Section 2. Savings Clause. In the event one or more of the provisions of this Open Space Advisory Committee Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in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

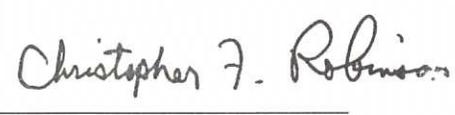
Section 3. Effective Date. This Summit County Open Space Advisory Committee Ordinance shall take effect 15 days after passage by the Council and subsequent publication in a newspaper of general circulation in Summit County, Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the County Council, this 25th day of May, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL


Evelyn Furse
Summit County Clerk


Christopher F. Robinson, Chair

APPROVED AS TO FORM


~~Lynda L. Viti~~ Ryan P.C. Stecker
Deputy County Attorney

VOTING OF COUNTY COUNCIL:

Councilmember Armstrong	<u>Aye</u>
Councilmember Robinson	<u>Aye</u>
Councilmember Clyde	<u>Aye</u>
Councilmember Armstrong	<u>Aye</u>
Councilmember Stevens	<u>Aye</u>

Attachment A

CHAPTER 42

SUMMIT COUNTY OPEN SPACE ADVISORY COMMITTEE

2-42-1: Definitions

2-42-2: Name and Purpose

2-42-3: Authority

2-42-4: Organization

2-42-5: Powers and Duties

2-42-6: Notification of Interest Process

2-42-7: Meetings

2-42-8: County Manager's Authority

2-42-9: Conduct of Members

2-42-1: Definitions:

Bond: The 2021 Summit County voter-approved General Obligation Bond authorizing a principal amount not to exceed Fifty Million Dollars (\$50,000,000) for the purpose of paying all or a portion of the costs of the acquisition of passive and active open space, conservation easements, and constructing recreational amenities and environmental and wildlife mitigation measures and related improvements.

County: Summit County, Utah.

County Council: The Summit County Council, which exercises legislative authority in the County.

County Manager: The chief executive officer of the County.

Evaluation Standards: The respective evaluation standards adopted by the respective Regional Advisory Groups and recommended to OSAC pursuant to Section 2-42-5 B.2.

Member: Respectively members of OSAC and members of a Regional Advisory Group, as context requires.

Notice of Interest or NOI: The formal process for Property Interests to be submitted for consideration of acquisition using Bond proceeds set forth in Section 2-42-6.

North Summit Region. The geographic area of Summit County graphically depicted on Exhibit "B" attached hereto, which consists of the following Utah Hydrologic Unit (HUC) Subwatershed areas within Summit County, namely Echo Creek, Yellow Creek, Main Canyon Creek-Upper Weber River, Chalk Creek, and the Subbasins of the Silver Creek- Upper Weber River Subwatershed, namely Crandall Canyon, Spring Canyon-Upper Weber River, and the portions of

the Silver Creek and Rockport Lake – Upper Weber River Subbasins within the North Summit School District boundary.

OSAC: The Summit County Open Space Advisory Committee, which is comprised of three (3) Members of each of the Regional Advisory Groups. An organizational chart for OSAC is attached as Exhibit “A” hereto.

Property Interests: Any real property interest acquired, or proposed to be acquired, using Bond proceeds or a combination of Bond proceeds and other funding sources.

Public Interest: The responsibility of each Member to represent the common good, the general welfare, and the security and well-being of the respective communities represented by OSAC and those represented by the respective Regional Advisory Groups, as to matters concerning the evaluation and recommendations of the use of Bond proceeds for the purpose of acquiring or considering the acquisition of Property Interests.

Regional Advisory Groups: Collectively, the North Summit Advisory Group, South Summit Advisory Group, or West Summit Advisory Group, and each a “Regional Advisory Group.”

South Summit Region. The geographic area of Summit County graphically depicted on Exhibit “B” attached hereto, which consists of the following Utah Hydrologic Unit (HUC) Subwatershed areas within Summit County, namely Bear River-Stillwater Fork, Bear River-Sulphur Creek, Beaver Creek, Cottonwood Creek, Headwaters Weber River-Upper Weber River, Little South Fork Provo River-Provo River, Muddy Creek, Smiths Fork, Soapstone Creek-Provo River, Upper Blacks Fork and Upper Henrys Fork, and the Subbasins of the Silver Creek-Upper Weber River Subwatershed, namely Crandall Canyon and Rockport Lake-Upper Weber River within the South Summit School District boundary and the Subbasin of Browns Canyon-Upper Weber River.

West Summit Region: The geographic area of Summit County graphically depicted on Exhibit “B” attached hereto, which consists of the Snyderville Basin Special Recreation Service District and the Park City School District.

2-42-2 Name and Purpose:

The Summit County Open Space Advisory Committee (“OSAC”) is created for the purpose of serving the Public Interest by evaluating the Evaluation Standards recommended by each of the Regional Advisory Groups and adopting final Evaluation Standards for each Region, advising and providing recommendations to the County Manager regarding the identification, evaluation (including the evaluation of NOIs), and possible acquisition of Property Interests based on the approved Evaluation Standards.

The Regional Advisory Groups are created for the purpose of creating, prioritizing, adopting, and recommending Evaluation Standards to OSAC, and, secondarily, may provide a prioritized list of Property Interests within such Region for OSAC’s review and evaluation. The Regional Groups

may elect to reexamine the Evaluation Standards and adopt and recommend to OSAC revised Evaluation Standards.

2-42-3: Authority:

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

2-42-4: Organization:

A. OSAC Organization.

1. OSAC shall be composed of nine (9) Members, consisting of three (3) Members appointed from each Regional Advisory Group. In its first meeting, and annually thereafter, OSAC shall select from among the Members a chair, vice chair, and secretary, and shall provide the County Manager with written notice of such selections.
2. The Regional Advisory Groups shall each recommend three (3) Members to the County Manager for appointment to serve on OSAC. The County Manager may reject any or all recommendations from the Regional Advisory Groups and, if rejected, shall request the Regional Advisory Group to resubmit a different recommendation for one or more rejected submissions. If the County Manager and Regional Advisory Group cannot agree on a particular appointment from such Regional Advisory Group, the County Manager may independently choose a candidate for appointment from among Regional Advisory Group Members for membership on OSAC.
3. The County Manager shall appoint Members of OSAC with the advice and consent of the County Council. To the extent that any proposed appointment is the result of the County Manager's selection against the request of any Regional Advisory Group's preferred recommendation, the County Manager shall disclose such conflict to the County Council as part of the advice and consent process.
4. OSAC Members may serve up to three (3) consecutive three (3) year terms.
5. The County Manager may remove any Member at any time with or without cause.
6. Upon removal or withdrawal of any Member of OSAC, the County Manager shall request the respective Regional Advisory Group to recommend a replacement Member from among the members of such Regional Advisory Group. The County Manager may accept the nominated Member or request an alternate recommendation and, once approved by the County Manager, the County Manager will appoint the approved replacement to the OSAC Committee with the advice and consent of the County Council. The replacement Member shall complete the remainder of the term of the vacant seat.

7. In the event that any Regional Advisory Group is dissolved, the OSAC Members representing the Region associated with the dissolved Regional Advisory Group shall remain Members of OSAC for the remainder of their respective terms. Upon the expiration of their terms, the County Manager, with the advice and consent of the County Council, shall appoint a new OSAC Member from the respective Region that the retiring Member represented. Such selection shall be made pursuant to the advertising requirements for Regional Advisory Group membership pursuant to Section 2-42-4 B.4., and taking into consideration the qualifications for Regional Advisory Group membership in the selection process.

B. Regional Advisory Group Organization.

1. Each Regional Advisory Group shall be composed of seven (7) members. In their first respective meeting, and annually thereafter, each Regional Advisory Group shall select from among the Members a chair, vice chair, and secretary, and shall provide the County Manager with written notice of such selections.
2. All Members of each Regional Advisory Group shall reside within the geographical boundaries of the respective Regional Advisory Group's Region.
3. The Members of the Regional Advisory Groups shall be appointed by the County Manager taking into consideration the following respective criteria for each Region:
 - a. West Summit Regional Advisory Group: one (1) representative who resides within the incorporated boundaries of Park City; one (1) representative who resides within the boundaries of the unincorporated Snyderville Basin; and five (5) at-large community representatives who reside in West Summit, where preference may be giving to individuals with knowledge and experience related to agriculture, natural resources, or recreation.
 - b. North Summit Regional Advisory Group: one (1) representative who resides within the incorporated boundaries of Coalville City; one (1) representative who resides within the incorporated boundaries of the Town of Henefer; one (1) representative who resides within the boundaries of the unincorporated area of North Summit; and four (4) at-large community representatives who reside in North Summit, where preference may be giving to individuals with knowledge and experience related to agriculture, natural resources, or recreation.
 - c. South Summit Regional Advisory Group: one (1) representative who resides within the incorporated boundaries of Kamas City; one (1) representative who resides within the incorporated boundaries of Oakley City; one (1) representative who resides within the incorporated boundaries of Francis City; one (1) representative who resides within the boundaries of the unincorporated area of South Summit; and three (3) at-large community representatives who reside in South Summit, where preference may be giving to individuals with knowledge and experience related to agriculture, natural resources, or recreation.

4. Membership openings for each Regional Advisory Group shall be advertised publicly. City Mayor(s) or director(s) of Summit County Special Service Districts may provide Membership recommendations to the County Manager.
 5. The County Manager shall appoint Members of each Regional Advisory Group with the advice and consent of the County Council.
 6. The Regional Advisory Group Members may serve until the Regional Advisory Group is dissolved by the County Manager with the advice and consent of the County Council, but in any event no longer than one (1) year, absent good cause.
 7. The County Manager may remove any Member at any time with or without cause,
 8. Upon removal or withdrawal of any Member of a Regional Advisory Group, the County Manager shall appoint a replacement Member with the advice and consent of the County Council. The replacement Member shall complete the remainder of the term of the vacant seat.
- C. OSAC and each Regional Advisory Groups may enlist non-voting volunteer consultants to participate as needed or advised by the OSAC chair, the County Manager or County Council, including staff from the Office of the County Manager and one planning commission member from either the Eastern Summit County Planning Commission or the Snyderville Basin Planning Commission. Such non-voting volunteer consultants shall not be considered Members.
- D. All Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County.
- E. The County Attorney or a staff attorney shall be legal counsel to the OSAC and the Regional Advisory Groups.
- F. OSAC and the Regional Advisory Groups may be dissolved at the discretion of the County Manager with the advise and consent of the County Council. In the event that any Regional Advisory Group is dissolved, the OSAC membership representing the Region associated with the dissolved Regional Advisory Group shall be governed by Section 2-42-4.A.7.

2-42-5: Powers and Duties

- A. OSAC's powers and duties are limited to:
1. Nominating three (3) members of each respective Regional Advisory Group for appointment as Members of OSAC pursuant to Section 2-42-4 A.2.

2. Evaluating the Evaluation Standards recommended by each Regional Advisory Group and adopting final Evaluation Standards for each Region; and

3. Advising, providing recommendations to, and consulting with, the County Manager regarding the identification, evaluation (including the evaluations of NOIs), and possible acquisition of Property Interests based on the approved Evaluation Standards. Such advice may include recommendations concerning funding strategies, types of Property Interests to be acquired, and recommendations concerning consultation and collaboration with accredited land trusts.

4. Upon the request of the County Manager or County Council, OSAC shall make presentation to the County Manager and County Council concerning the Evaluation Standards, OSAC's goals, progress, and actions.

B. Each Regional Advisory Group's powers and duties are limited to:

1. Within thirty (30) days following the first meeting of each respective Regional Advisory Group, nominating three (3) Members of their respective Regional Advisory Group and forwarding such nominations to the County Manager for consideration for appointment as OSAC Members.

2. Within sixty (60) days of their respective first meetings, crafting, prioritizing, and adopting Evaluation Standards, and thereafter promptly referring such adopted Evaluation Standards to OSAC for the purposes set forth in Section 2-42-5-A.2. The Regional Advisory Groups are encouraged to hold public hearings as part of crafting Evaluation Standards.

3. After crafting and prioritizing the respective Evaluation Standards, having the option to compile a confidential list of properties to be submitted to OSAC within ninety (90) days.

2-42-6: Notification of Interest Process:

A. Notification of Interest (NOI) Submittal: Landowners who desire to propose to the County the acquisition of any such landowners' Property Interests using Bond proceeds for all or a portion of such proposed acquisition, may do so by filing a NOI with the County Manager on forms developed by the County Manager in consultation with the County Council, for that purpose. Landowners may be sponsored by accredited land trusts (e.g., Summit Lands Conservancy, Utah Open Lands, The Nature Conservancy, and the like) and the submittal forms shall contain a section for the land trusts to provide relevant information concerning matters such as funding sources other than Bond proceeds.

B. Upon receipt of a NOI, County staff will review the NOI and verify completeness of required information. If deemed complete, the County staff shall in turn transmit such NOI simultaneously to OSAC and the County Manager.

- C. OSAC shall evaluate each NOI, which County staff has verified as complete and submitted to OSAC, using the approved Evaluation Standards. OSAC may conduct a site visit to review and verify the property for conformance with Evaluation Standards.
- D. OSAC will score all NOIs as eligible or ineligible for Bond funding based upon the Evaluation Standards and will make a recommendation to the County Manager.
- E. Each NOI, as deemed complete, will be scheduled on an agenda of OSAC for an initial presentation by the landowner, accredited land trust or equivalent legal entity or representative. Discussions, evaluations, and reports concerning of NOIs shall be considered property acquisition matters and shall be evaluated in closed session and kept confidential, subject to the Utah Open and Public Meetings Act (Utah Code Title 52, Chapter 4).
- F. The County Manager, in collaboration with OSAC, shall develop a format for OSAC to provide a score and recommendations to the County Manager with respect to its recommendations as to whether a particular NOI should be considered for Bond funding, based upon the Evaluation Standards. Upon completion of its evaluation of a NOI, OSAC shall provide a final recommendation to the County Manager in the approved format.
- G. The County Manager's determination of whether or not to acquire Property Interests pursuant to a NOI request shall be subject to Section 2-42-8.

2-42-7: Meetings:

- A. Meetings of the Regional Advisory Groups shall be scheduled on an as-needed basis.
- B. Meetings of OSAC shall be scheduled on an as-needed basis.
- C. Meetings, special meetings, work sessions, and field trips, for any purpose, may be held at the call of the chair, the County Manager or the County Council. Work sessions and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.
- D. OSAC shall conduct its business according to its bylaws.
- E. OSAC and its Regional Advisory Groups are subject to, and shall be conducted in compliance with, the Utah Open and Public Meetings Act (Utah Code Title 52, Chapter 4). OSAC and its Regional Advisory Groups may go into closed session to discuss any matters concerning property acquisition as allowed by the Open and Public Meetings Act.

2-42-8: County Manager's Authority

The Regional Advisory Groups and OSAC serve in the capacity of advisory groups and are created for the purpose of providing the County Manager and the County Council with valuable insight and analysis concerning the potential uses of Bond proceeds in the Regions. The Regional Advisory Groups and OSAC do not have authority to take any action that is binding on the County Manager, County Council, or the County and shall not take any action that purports to do so. The County Manager retains final authority regarding any real property transactions and may take direct action on any acquisition of Property Interests, with or without the involvement of OSAC or the Regional Advisory Groups, subject to and consistent with Summit County Code, Title 1, Chapter 14, Optional Plan of Government.

2-42-9: Conduct of Members:

- A. Ethical Principles: The following ethical principles shall guide the actions of OSAC, its Regional Advisory Groups, and their Members in carrying out the powers and duties described above:
1. Serve the Public Interest: The primary obligation of OSAC, its Regional Advisory Groups, and each Member is to serve the Public Interest as it relates to evaluation of Property Interests concerning the use of Bond proceeds.
 2. Support Citizen Participation in Planning: OSAC and its Regional Advisory Groups shall ensure a forum for meaningful citizen participation and expression in the crafting of Evaluation Standards and in the clarification of community goals, objectives, and policies.
 3. Recognize the Comprehensive and Long-Range Nature of Decisions: OSAC, its Regional Advisory Groups and their Members use reasonable diligence to gather and consider relevant facts, alternatives and means of accomplishing them, and explicitly evaluate all consequences before making any recommendations or decisions.
 4. Avoid Conflict of Interest: Members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before OSAC or any of its Regional Advisory Groups, Members shall disclose any past, present, or expected relationship with any party affiliated with such matter. A Member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the committee table, but may remain in the chamber. The Member shall also not discuss the matter privately with any other Member voting on the matter.
 5. Render Thorough and Diligent Service: If a Member has not sufficiently reviewed relevant facts and advice affecting a decision, that Member should not participate in that decision.
 6. Not Seek or Offer Favors: A Member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be

reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

7. Not Disclose or Improperly Use Confidential Information For Financial Gain: A Member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.

8. Maintain Public Confidence: A Member must conduct himself/herself publicly so as to maintain public confidence in the public body and the Member's performance of the public trust.

9. Respect for and Courtesy to Other Members, Public and Staff: Each Member has the same rights and privileges as any other Member. Any Member has the right to be heard and to hear what others have to say about items being considered by OSAC or its Regional Advisory Groups.

- B. Representation of Applicants or Petitioners: No Member shall physically represent applicants or petitioners before OSAC or any of its Regional Advisory Groups on matters on which that OSAC or one of its Regional Advisory Groups is to make determinations or recommendations.
- C. Ex Parte Communication: Prearranged private meetings between a Member and an individual(s), and their agents, or other interested parties with a matter pending before OSAC or any of its Regional Advisory Groups are prohibited. Partisan information on any application received by a Member whether by mail, telephone, or other communication should be avoided. When such communication does occur, it must be disclosed and made part of the public record by the Member.
- D. Attendance: Each Member shall be responsible for attending all scheduled meetings of their respective committee or group. Should circumstances arise where a Member is unable to attend a scheduled meeting, the Member shall be responsible for notifying the chair as soon as possible. Members who fail to attend three (3) regular meetings of their respective committee or group within any consecutive three (3) month period may, at the discretion of the County Manager, be removed from that respective committee.

Exhibit A

OSAC Organizational Chart

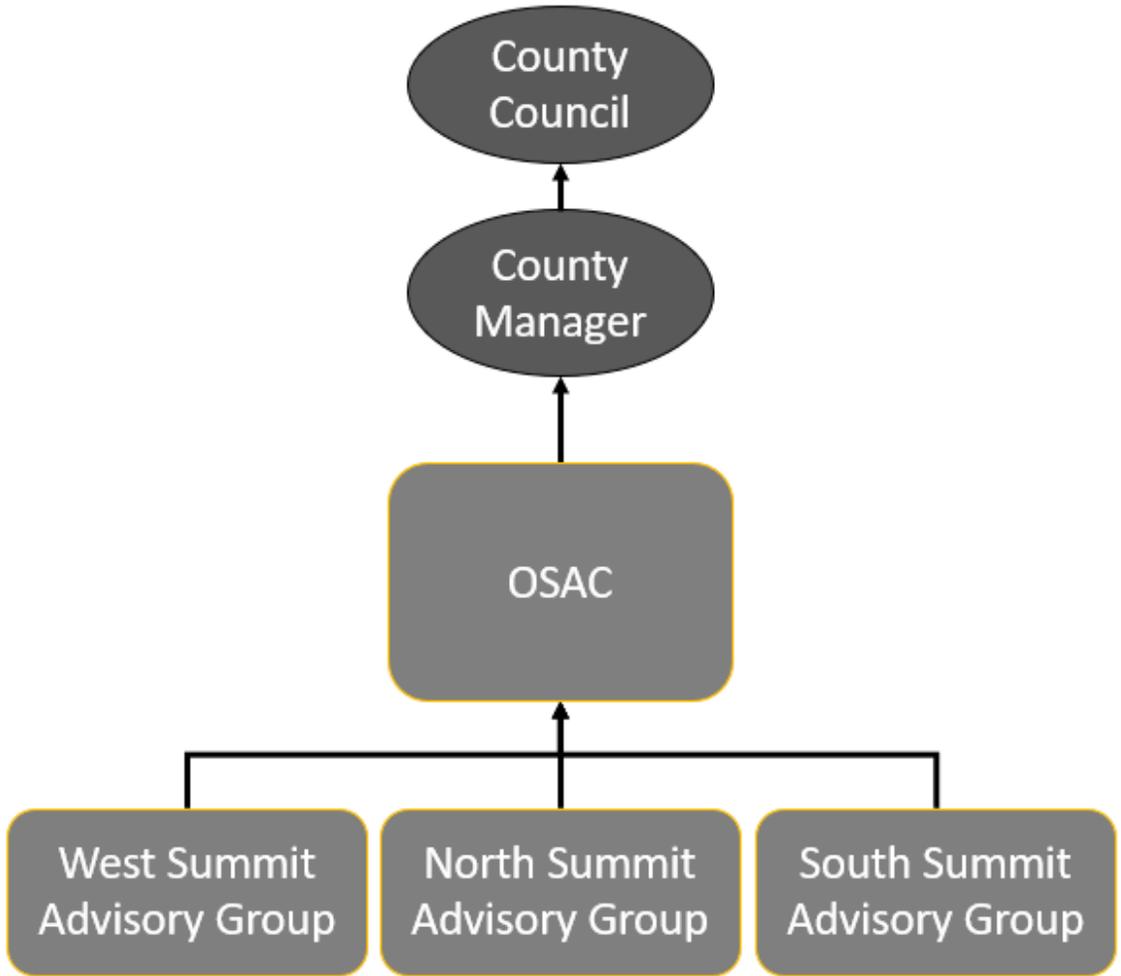
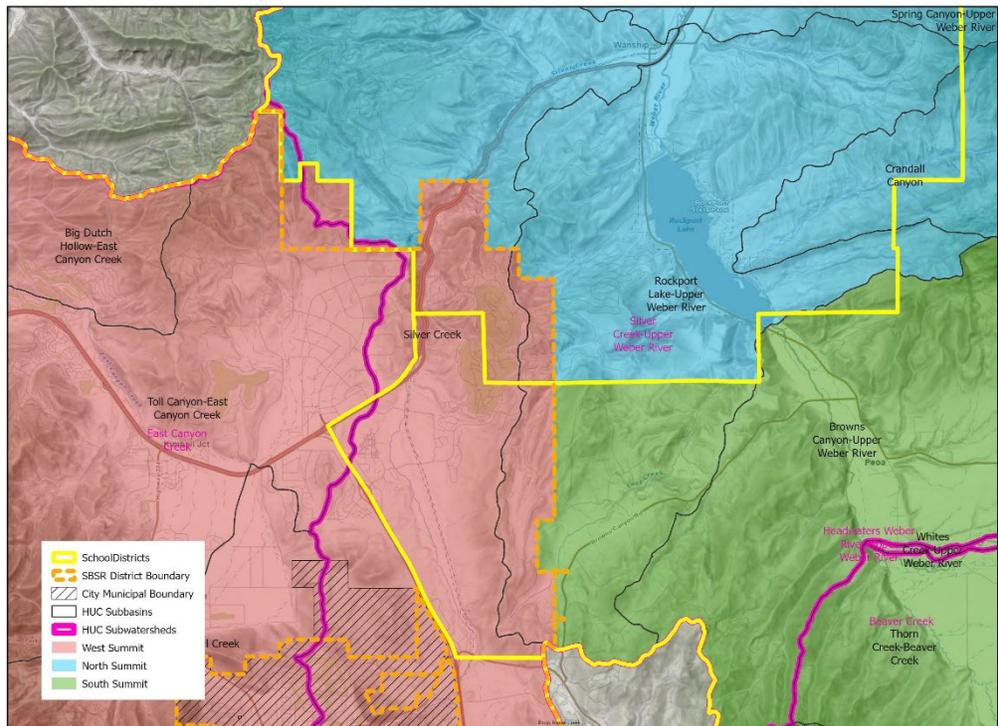
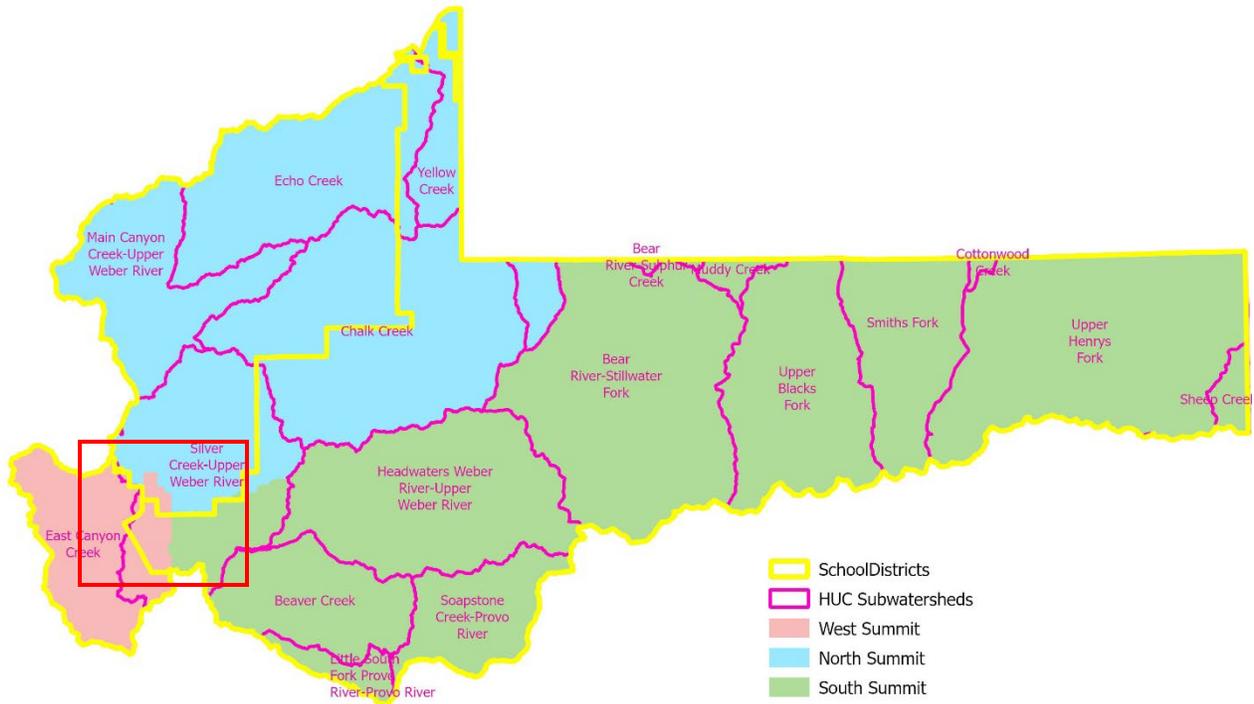
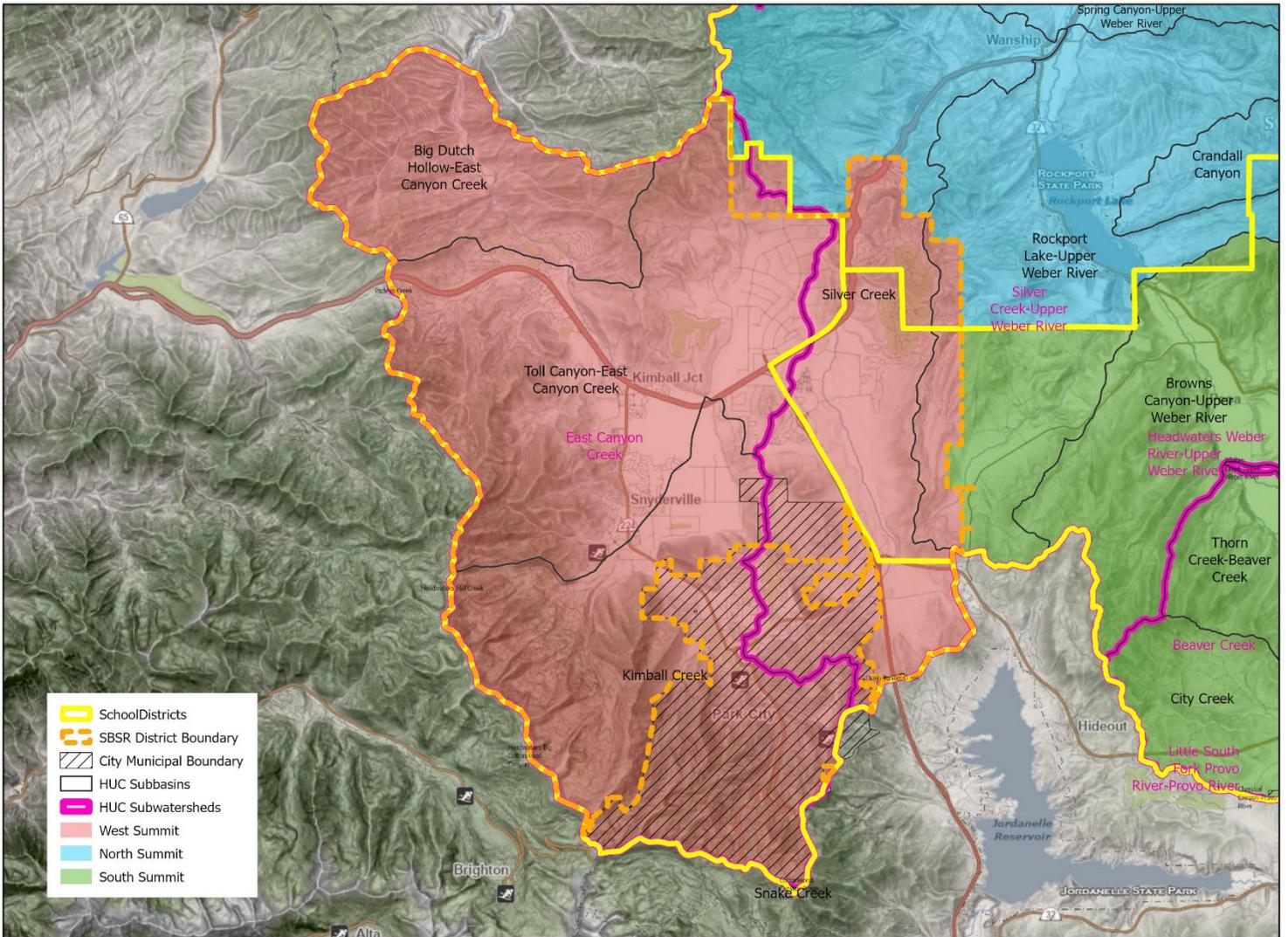


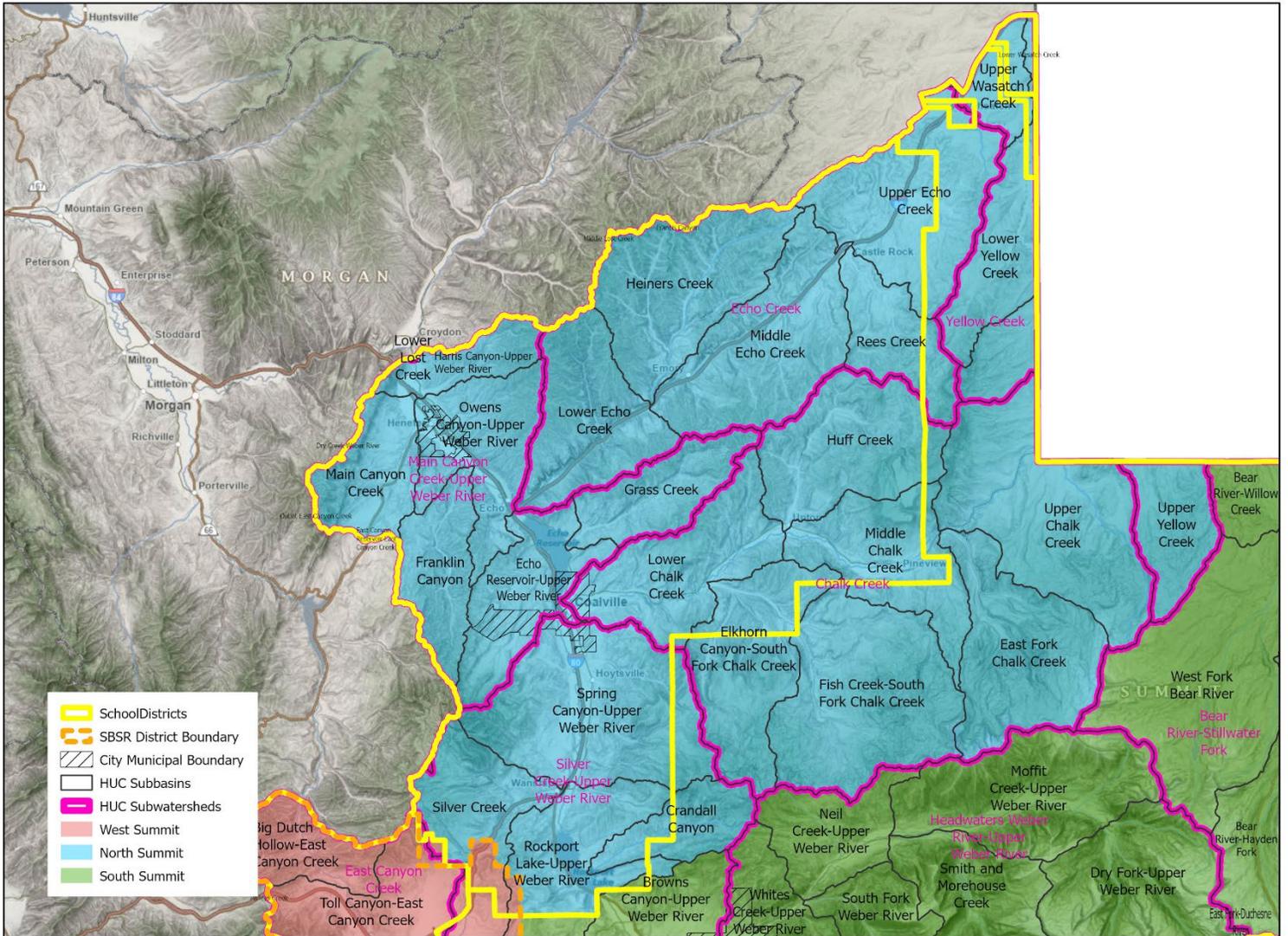
Exhibit B Regional Advisory Group Boundary Maps



West Summit



North Summit



South Summit

