

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MARCH 11, 2014**

CACHE COUNTY COUNCIL
MARCH 11, 2014

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CACHE COUNTY COUNCIL MEETING
March 11, 2014

The Cache County Council convened in a regular session on March 11, 2014 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Val Potter
Vice Chairman: Kathy Robison,
Council Members: Craig "W" Buttars, G. Gregory Merrill, Jon White, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Janeen Allen, Mark Anderson, Gretchen Cardall, Mark Cardall, Chris Harrild, Bracken Henderson, Sharon L. Hoth, Amber Johnson, Janet Johnson, Lieutenant Brian Locke, Joel Merritt, Dave Nielsen, Boyd Pugmire, Jeff Rich, Director Josh Runhaar, DeMoyn Webb, Sharon Webb **Media:** Shannon Nielsen (Herald Journal), Jenny Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Yeates gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the amended agenda as written. Buttars seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Vice Chair Robison to approve the minutes of the February 25, 2014 Council meeting as written. Zilles seconded the motion. The vote was unanimous, 7-0.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

<u>APPOINTMENTS:</u>	Lane Parker	Cache County Planning Commission
	Mayor Ed Buist	Cache Valley Visitors Bureau Board
	Sandy Emile	Cache Valley Visitors Bureau Board
	Jim Smith	Cache Valley Visitors Bureau Board
	Mic Bowen	Cache Valley Visitors Bureau Board
	Justin Williams	Cache Valley Visitors Bureau Board
	Eric Kleven	Cache Valley Visitors Bureau Board
	Shirlene Davis	Cache Valley Visitors Bureau Board
	Elayne Bair	Cache Valley Visitors Bureau Board

Jordan Godfrey
Jenny Rongstad

Cache County Deputy Sheriff
Cache County Deputy Sheriff

ACTION: Motion by Council member Yeates to approve the recommended appointments. White seconded the motion. The vote was unanimous, 7-0.

WARRANTS: Warrants for the periods 02-22-2014 to 02-28-2014 and 03-01-2014 to 03-07-2014 were given to the Clerk for filing.

OTHER ITEMS:

- ☐ **RAPZ Applications** – Executive Lemon has received seventy-six applications for a total request of over \$3.9 million. There is about \$2 million available to distribute. The RAPZ Committee will meet in the near future and have a recommendation to the Council by the first part of May.
- ☐ **Logan City New Billing Program for Solid Waste Fees** – Executive Lemon explained that the change affects temporary construction and demolition dumpster fees. Logan City will implement the new billing cycle to assess its effectiveness and return to the Council with a formal request after the assessment period.
- ☐ **UDOT Annual Meeting** will be held in the Cache County Council Chambers on April 30, 2014 from 9:00 to 11:00 a.m.
- ☐ **Cloud Seeding Snotel Report** – As of March 1, 2014 Cache's snow water equivalent is 112% and the water year precipitation is 101%.

ITEMS OF SPECIAL INTEREST

- **Proclamation – Child Abuse Prevention Month – Child & Family Support Center** – Attorney Swink gave an overview of the services provided at the Center, lauded their efforts and urged acceptance of the proclamation. Council member Robison indicated the blue ribbon is a national symbol supporting the prevention of child abuse.

Vice Chair Robison read the proclamation aloud.

(Attachment 1)

ACTION: Motion by Council member Buttars to accept the Proclamation designating April 2014 as Child Abuse Prevention Month. White seconded the motion. The vote was unanimous, 7-0.

UNIT OR COMMITTEE REPORTS

- **Weed Department – Joel Merritt** invited Bracken Henderson to present an award to Mark Anderson on behalf of the Utah Weed Control Association recognizing his accomplishments in weed control. Also recognized were Steve Thatcher, Steve Chambers, Tom Bailey, Mike Spackman, Rick

Johnson and Lynn Lemon. Merritt highlighted some of the projects carried out by the honorees and presented proposed 2014 projects.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Zilles to convene as a Board of Equalization. Yeates seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Requests** – Bridgerland Audubon Society, Cache Employment and Training Center, CAPSA, Fast Forward Charter High School, Nordic United, Spendlove Research Foundation, Whittier Community Center, and Planned Parenthood Assn. of Utah were removed from the list of those to be approved. *(Details are on file in the Cache County Auditor's Office.)*

ACTION: Motion by Council member Yeates to approve the Property Tax Exemption Requests with the exception of those removed from the list. Buttars seconded the motion. The motion passed, 6 – aye – Buttars, Merrill, Potter, Robison, Yeates & Zilles and 1 nay – White.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Zilles seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

PUBLIC HEARING: MARCH 11, 2014 – 5:30 P.M.-ORDINANCE NO. 2014-03-Amendments to Titles 16 and 17 – Chris Harrild summarized changes in capitalization, code updates, inconsistent language corrections, section numeration updates as necessary, Zoning Administrator replaced with Director of Development Services, development agreement replaced with improvement agreement and definition changes.

Chairman Potter opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing – March 11, 2014-5:30 p.m. – Ordinance No. 2014-03-Amendments to Titles 16 and 17. Robison seconded the motion. The vote was unanimous, 7-0.

PENDING ACTION

- **Ordinance No. 2014-04-Vacating a Right-of-Way at 200 West, south of 9800 North (NO ACTION TAKEN)** – Chairman Potter asked for the Council's input. Council members White, Robison and Merrill oppose vacating the right-of-way. Council member Zilles visited the site and also opposes vacating the right-of-way.

(Attachment 2)

ACTION: Motion by Council member Zilles to NOT Vacate a Right-of-Way at 200 West, south of 9800 North with the stipulations to only maintain the road once a

year or as needed, not provide snow removal and ask Cache County to identify the point of the section corner at the top of the road. Buttars seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Status Update on DD Auto & Salvage – David Grange Request for Extension of Conditional Use Agreement** - Director Runhaar reported a building permit has been issued to Grange.
- **Ordinance No. 2014-01 – Campaign Financial Disclosure in County Elections (Revised)** – Attorney Swink stated this ordinance is required by statute and gave a brief synopsis of the ordinance as follows:
 - Separate campaign bank account required
 - Two reports required and dates
 - Penalties set forth

Clerk Zollinger pointed out that on page 5 under County Office, Executive should be listed as Executive/Surveyor and on page 7 Surveyor should be added as an office.

(Attachment 3)

ACTION: Motion by Council member Yeates to approve Ordinance No. 2014-01 – Campaign Financial Disclosure in County Elections – with the corrections noted by Clerk Zollinger. Robison seconded the motion. The vote was unanimous, 7-0.

Ordinance No. 2014-01: The motion passed 7-0.

	<u>BUTTARS</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								0
ABSTAINED								0
ABSENT								0

- **Hardship Applications** – Executive Lemon recommended approval. *(Details are on file in the Cache County Auditor's Office.)*
 - No. 0803

ACTION: Motion by Council member Buttars to approve the Hardship Application Request. Zilles seconded the motion. The vote was unanimous, 7-0.

- No. 0009

ACTION: Motion by Council member Yeates to approve the Hardship Application Request. Robison seconded the motion. The vote was unanimous, 7-0.

- No. 0016

ACTION: Motion by Council member White to approve the Hardship Application Request. Yeates seconded the motion. The motion passed, 6 aye – Buttars, Merrill, Potter, White, Yeates & Zilles and 1 abstention – Robison.

- No. 0046

ACTION: Motion by Vice Chair Robison to approve the Hardship Application Request. Yeates seconded the motion. The vote was unanimous, 7-0.

- **Deferral Applications** – Executive Lemon observed that all the applications are from the same party and can be considered together. Penalties and interest are not being waived and the party has already paid \$49,000.00 and committed to pay \$31,000.00 by the end of May, \$30,000.00 by the end of September and the balance by the end of the year. Lemon recommended approval. *(Details are on file in the Cache County Auditor's Office.)*

ACTION: Motion by Council member White to approve the property tax deferrals as recommended. Zilles seconded the motion. The vote was unanimous, 7-0.

- **Discussion – RU2 and RU 5 Zones** – Director Runhaar presented the Council with some educational background on the history of zoning in the county from 1958 forward, municipal versus county development costs and impact fees which he titled Part I. Part 2 will be presented at the March 25, 2014 Council meeting.

Chairman Potter thanked Runhaar on behalf of the Council for his thorough presentation.

OTHER BUSINESS

- ✓ **2014 UAC Management Conference** – April 16-18, 2014 – Salt Lake City Creek Marriott.
- ✓ **Council Member Assignments for Exemption Hearings:**
 - Logan Regional Hospital – Tuesday, April 22, 2014-1:00 p.m.-Potter and Yeates
 - Cache Valley Community Health Center – Tuesday, April 22, 2014-2:15 p.m. – Merrill and Buttars
 - Sunshine Terrace – Tuesday, April 22, 2014-3:30 p.m. – Robison and White

Additional Exemption Requests

- Neighborhood Nonprofit Housing

ACTION: Motion by Council member White to deny property tax exemption for Neighborhood Nonprofit Housing Corporation per the recommendation of the Cache County Assessor. Buttars seconded the motion. The vote was unanimous, 7-0.

- Center for Excellence in Education

ACTION: Motion by Council member Zilles to deny property tax exemption for Center for Excellence in Education per the recommendation of the Cache County Assessor. Yeates seconded the motion. The vote was unanimous, 7-0.

COUNCIL MEMBER REPORTS

Gordon Zilles asked if Executive Lemon found out if the Utah National Guard Armory in Logan may be closed. Executive Lemon said he has been told it will not be closed.

Kathy Robison asked if the Miss Cache Valley winner may present her platform speech to the Council. The Council approved the request and asked Robison to invite her to the March 25, 2014 Council meeting.

Chairman Val Potter said he will be attending the UAC Board meeting where UAC branding will be discussed.

Executive Lynn Lemon commented that the IT Department strongly recommends Council members all use the iPad rather than some on iPads and some on Androids. Robison wants to use her Android and will talk with Todd Jenkins about it.

Lemon said the Sheriff wants to talk with the Council about a combined storage building at the fairgrounds for Sheriff and County storage. Lemon is concerned the already approved smaller storage building for the County will not be completed in a timely manner if changed to a larger combined storage facility. Council members were not supportive of the combined storage proposal.

ADJOURNMENT

The Council meeting adjourned at 7:42 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

CHILD ABUSE PREVENTION MONTH PROCLAMATION

CACHE COUNTY'S GREATEST ASSET IS OUR CHILDREN,
NOW AND FOR THE FUTURE.

WHEREAS; ALL CHILDREN deserve to grow up in a safe and nurturing environment to ensure they reach their full potential.

WHEREAS; CHILD ABUSE is a serious and growing problem affecting millions of our nation's children and thousands of children in Utah annually; and,

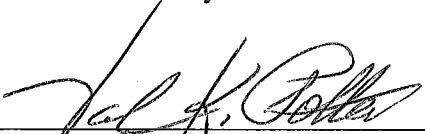
WHEREAS; CHILD ABUSE respects no racial, religious, class or geographic boundaries; and,

WHEREAS; IT IS IMPORTANT for all citizens of Cache County to become more aware of child abuse and the critical need for prevention within their respective neighborhoods and community; and,

WHEREAS; DECREASING the occurrence of child abuse relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today, who will become the leaders of tomorrow;

THEREFORE; We, as members of the Cache County Council, do hereby proclaim April 2014 as Child Abuse Prevention Month. We support child abuse prevention efforts and education, and we encourage all citizens to actively help protect our children and work to create strong families within this community.

In witness whereof, I hereunto set my hand on this 11th day of March 2014



Chairman, Cache County Council, Utah



NO ACTION TAKEN
ORDINANCE NO. 2014-04
CACHE COUNTY, UTAH

VACATING A RIGHT-OF-WAY AT 200 WEST, SOUTH OF 9800 NORTH

PROVIDING FOR THE VACATING OF A COUNTY RIGHT-OF-WAY AT APPROXIMATELY 200 WEST,
BEGINNING AT 9800 NORTH STREET AND PROCEEDING SOUTH 3,950 FEET

WHEREAS, the Utah Code Ann. §72-3-108 *et seq.*, as amended, provides that each county may vacate a county road by ordinance, and;

WHEREAS, the County Council caused notice of the hearing to be advertised for four (4) consecutive weeks before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, on the Utah Public Notice Website, and in three public places, and;

WHEREAS, the County Council caused notice of the hearing to be mailed to all owners of property abutting the affected right-of-way, and caused notice to be posted at the site, and;

WHEREAS, on February 25, 2014, 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed vacating of the said right-of-way. The County Council accepted all comments, and;

WHEREAS, after careful consideration of the comments at the public hearing the County Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Cache County to vacate said right-of-way;

NOW, THEREFORE, BE IT RESOLVED that the County Legislative Body of Cache County ordains as follows:

1. Approval to Vacate Right-of-Way.

The right-of-way, at approximately 200 West beginning at 9800 North and proceeding south 3,950 feet, as attached and made part hereof in Exhibit A, is hereby vacated.

2. Easement Provision.

A private, 66 foot wide access easement is hereby created along said vacated right-of-way of 200 West to provide access to the parcels directly adjacent the existing roadway, including: 08-010-0002, 08-010-0003, 08-010-0004, 08-010-0005, 08-010-0006, 09-073-0009, 09-073-0010, 09-073-0011, 09-073-0012, 09-073-0014, and 09-073-0016.

3. Effective Date.

This ordinance takes effect on March 26, 2014. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the county as required by law.

**200 West/9800 North
Proceeding South 3,950 Ft**

09-073-0010

9800 North

09-073-0016

09-073-0011

09-073-0012

09-073-0009

09-073-0014

200 West

08-010-0004

08-010-0002

08-010-0005

08-010-0006

08-010-0003

APPROVED AND ADOPTED this 11th day of March 2014. **NO ACTION TAKEN**

	In Favor	Against	Abstained	Absent
Potter				
Buttars				
White				
Merrill				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL

ATTEST:

Val Potter, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2014

**CACHE COUNTY
ORDINANCE 2014-01**

CAMPAIGN FINANCIAL DISCLOSURE IN COUNTY ELECTIONS

WHEREAS, Section 17-16-6.5 of the Utah Code requires counties to adopt an ordinance establishing campaign finance disclosure requirements for candidates for county office; and

WHEREAS, the ordinance will give clearer direction to candidates filing and running for county offices; and

WHEREAS, the ordinance will provide more information for the voting public; and

WHEREAS, the Council finds it in the best interest of the citizens of Cache County to adopt a comprehensive campaign financial disclosure ordinance governing campaign finance reporting of candidates, political action committees, political issues committees;

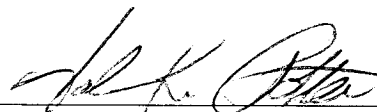
NOW THEREFORE IT IS ORDAINED THAT pursuant to the statutory authority granted the Cache County Council in Utah Code Ann. § 17-16-6.5(1)(a) the Cache County Council amends the CACHE COUNTY ORDINANCES to include the provisions found in Exhibit "A" which are entitled Campaign Financing Disclosure.

This Ordinance shall become effective fifteen (15) days after its passage and upon proper publication in a newspaper published and having general circulation in Cache County.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS MARCH 11,
2014.

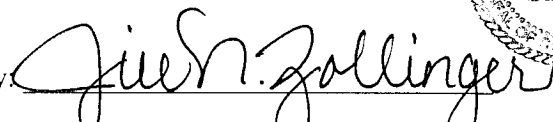
	In Favor	Against	Abstained	Absent
Potter	X			
Robison	X			
Buttars	X			
Merrill	X			
White	X			
Yeates	X			
Zilles	X			
Total	7			

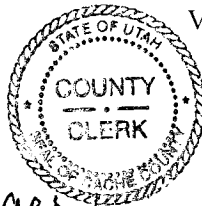
CACHE COUNTY COUNCIL

By: 

Val K. Potter, Chairman

ATTEST:

By: 
Jill N. Zollinger, Cache County Clerk



Publication Date: March 26, 2014

EXHIBIT “A”

Chapter 2.21

CAMPAIGN FINANCING DISCLOSURE

Sections:

2.21.010 - Definitions.

2.21.020 - Reports—Form of submission—Notification by clerk—Legal holidays.

2.21.030 - County office candidate and officeholder—Separate bank account for campaign funds.

2.21.040 - County office candidate and officeholder—Financial reporting requirements— Post general election summary report.

2.21.050 - County office candidate and officeholder—Financial reporting requirements—Interim reports.

2.21.060 - County office candidate and officeholder—Failure to file reports—Notice by county clerk—Penalties—Limitation of action.

2.21.070 - Blanks for statements prepared and furnished by chief election officer.

2.21.080 - Retention and public inspection of financial statements—Written complaint if statement is false or unlawful.

2.21.010: Definitions:

As used in this chapter:

"Address" means the number and street where an individual resides or where a reporting entity has its principal office.

"Candidate" means any person who:

1. Files a declaration of candidacy for a public office; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

"Chief election officer" means the county clerk.

"Contribution" means:

1. Any of the following when done for political purposes:
 - a. A gift, subscription, donation, loan, advance, or deposit of money or anything 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 anything of value to the filing entity;

- c. Any transfer of funds from another reporting entity to the filing entity;
- d. Compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; and
- 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 or talents on behalf of the filing entity;
- b. Money lent to the filing entity by a financial institution in the ordinary course of business; or
- c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"County office" means the offices of county executive/surveyor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

"County office candidate" means a person who:

- 1. Files a declaration of candidacy for a county office; or
- 2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a county office.

"Detailed listing" means:

- 1. For each contribution:
 - a. The name and address of the individual or source making the contribution;
 - b. The amount or value of the contribution; and
 - c. The date the contribution was made.
- 2. For each expenditure:
 - a. The amount of the expenditure;
 - b. The person or entity to whom it was disbursed;
 - c. The specific purpose, item, or service acquired by the expenditure; and
 - d. The date the expenditure was made.

"Election" means any general, special or primary election held pursuant to and as defined and provided by Titles 11.20, or 20A, Utah Code Annotated, or by any other applicable provision of state law or county ordinance, and conducted by the county.

"Election cycle" means:

1. The period following the general election but prior to the next political convention in any year in which the candidate has filed to run for county elected office;
2. The period following a political convention but prior to the primary election in any year in which the candidate has filed to run for county elected office;
3. The period following a primary election but prior to a general election in any year in which the candidate has filed to run for county elected office.

"Expenditure" means:

1. Any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. 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;
4. Compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
5. Transfer of funds between the filing entity and a candidate's personal campaign committee; or
6. 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.
7. "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. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"Filing entity" means the reporting entity that is filing a report required by this chapter.

"Financial statement" includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

"Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

"Individual" means a natural person.

"Interim report" means a report identifying the contributions received and expenditures made since the last report.

"Officeholder" means a person who holds a public office.

"Party committee" means any committee organized by or authorized by the governing board of a registered political party.

"Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

"Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

"Political party auxiliary" means the county subdivision of a registered political party organized in accordance with state law.

"Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

"Primary election" means any regular primary election held under the election laws.

"Public office" means the office of county executive/surveyor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

"Publicly identified class of individuals" means a group of fifty or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

"Receipts" means contributions.

"Registered political party" means an organization of voters that:

1. Participated in the last regular general election and polled a total vote equal to two percent or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
2. Has complied with the petition and organizing procedures of set forth in Utah statutes.

"Report" means a verified financial statement.

"Reporting entity" means a candidate, a candidate's personal campaign committee, an office holder and a party committee.

"Statement of organization" means an informational document filed by a reporting entity that complies with the requirements of this chapter.

"Source" means: The person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

"Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

2.21.020: Reports—Form of submission—Notification by clerk—Legal holidays:

A. 1. Ten days before a financial statement or report from a county office candidate, office holder, political action committee or political issues committee is due under this chapter, the county clerk shall inform those candidates and entities by postal mail or, if requested by the reporting entity, by electronic mail:

- a. That the report is due; and
- b. The date that the report is due.

2. In addition to the information required by subsection (A)(1), ten days before the interim reports for candidates are due, the county clerk shall inform the candidate that, if the report is not received in the county clerk's office by five p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.

3. In addition to the information required by subsection (A)(1) and in the same mailing, ten days before the interim reports or verified financial statements for entities are due, the county clerk shall inform the entity, candidate, officeholder that, if the report is not received in the county clerk's office by the date that it is due, the entity, candidate or officeholder may be guilty of an infraction for failing to file the report or statement.

B. Persons or entities submitting reports required by this chapter may submit them:

1. On paper, printed, typed or legibly handwritten or hand-printed;
2. Via fax; or
3. Upon an e-mail system being created by the county clerk, via electronic mail according to specifications established by the chief election officer.

C. A report is considered filed if:

1. It is received in the chief election officer's office no later than five p.m. on the date that it is due;
2. It is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or

3. The candidate, or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.

D. Whenever the date required for any filing in the county clerk's office before five p.m. required by this chapter falls on a legal holiday or a Saturday or Sunday, the filing may be delayed until five p.m. on the next county working day.

F. Penalties.

1. If a contribution or contributions are received without a candidate's knowledge of a violation of this section, the candidate may return the contribution without penalty if the contribution is returned within ten days after the candidate knows of the violation, by way of notification from the county clerk.

2.21.030: County office candidate and officeholder—separate bank account for campaign funds:

A. 1. Each county office candidate or the candidate's personal campaign committee or officeholder shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

2. The county office candidate or the candidate's personal campaign committee or officeholder may use the monies in those accounts only for political or charitable purposes.

B. A county office candidate or the candidate's personal campaign committee or officeholder may not deposit or mingle any contributions received into a personal or business account.

C. Campaign account bank statements shall be provided to the county clerk or attorney upon request for verification purposes in the event of an official complaint or discrepancy in reporting.

D. 1. As used in this Subsection E, "account" means an account in a financial institution:

a. That is not described in the above Subsections A, B, C or D; and

b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. A candidate for county office shall include on any financial reports filed in accordance with this section a contribution deposited in or an expenditure made from an account:

a. Since the last financial report filed; or

b. That has not been reported under a statute or ordinance that governs the account.

**2.21.040: County office candidate and officeholder—Financial reporting requirements-
Post general election summary report:**

A. Each county office candidate or officeholder shall file a summary report within 30 days after the general election.

B. 1 Each summary report shall include the following information:

- a. The net balance of the last summary report, if any;
- b. A single figure equal to the total amount of receipts reported on all interim reports, if any;
- c. A single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the election year;
- d. A detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
- e. For each nonmonetary contribution, the fair market value of the contribution;
- f. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
- g. For each nonmonetary expenditure, the fair market value of the expenditure; and
- h. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

2.. For all single contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

- a. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

3. In preparing the report, all receipts and expenditures shall be reported as of December 31st of the previous year.

C. 1 As used in this Subsection C, "account" means an account in a financial institution:

- a. That is not described in the above Subsection B; and
- b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or officeholder with an account shall include on the summary report a contribution deposited in or an expenditure made from an account:

- a. Since the last financial report filed; or
- b. That has not been reported under a statute or ordinance that governs the account.

D. The summary report shall contain a paragraph signed by an authorized member of the county office candidate's or officeholder's personal campaign committee or by the county office candidate or officeholder certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been reported as of December 31st of previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

2.21.050: County office candidate and officeholder—Financial reporting requirements—Interim report:

A. Each county office candidate or officeholder shall file an interim report before five p.m. for the period ending eight days before the regular general election, the report shall be due seven days before the regular general election date.

B. The interim report shall include the following information:

- 1. a list of each contribution of more than \$50 received by the candidate, and the name of the donor;
- 2. an aggregate total of all contributions of \$50 or less received by the candidate; and
- 3. a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

C. 1. For all individual contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

2. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.

D. 1. As used in this Subsection D, "account" means an account in a financial institution:

- a. That is not described in the above Subsection B; and
- b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or officeholder with an account shall include on the interim report a contribution deposited in or an expenditure made from an account that has not been reported under a statute or ordinance that, governs the account.

2.21.060: County office candidate and officeholder—Failure to file reports—Notice by county clerk—Penalties—Limitation of action:

A. Within five days after a deadline for the filing of an interim report and within thirty days after the deadline for filing a summary report, the county clerk shall review each filed report to ensure that:

1. Each county office candidate and officeholder that is required to file an interim report or summary report has filed one; and
2. Each interim report or summary report contains the information required by this part.

B. 1 If a county office candidate fails to timely file an interim report due immediately before the regular general election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

- a. Shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
- b. Shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
- c. May not count any votes for that candidate.

2. Any county office candidate who fails to file timely a financial statement required by this part is disqualified.

3. Notwithstanding subsections (B)(1) and (B)(2), a county office candidate is not disqualified if:

- a. The candidate timely files the reports required by this section;
- b. Those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- c. Those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. 1. Upon review of the county clerk, if it appears that any county office candidate or officeholder has failed to file the interim report or the summary report required by law, if it appears that a filed interim report or summary report does not conform to the law, if the report contains obvious material omissions, errors, or inaccuracies, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county

clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify by registered mail or personal service, the county office candidate or officeholder of the violation or written complaint and direct the county office candidate or officeholder to file an interim report or summary report correcting the problem.

2. It is unlawful for any county office candidate or officeholder to fail to file or amend an interim report or summary report within fourteen days after receiving notice from the county clerk under this section.

a. If a candidate or officeholder's failure to file a report results from inadvertence or neglect the candidate or officeholder is guilty of an infraction.

b. If a candidate or officeholder files a report later than fourteen days after receiving notice from the county clerk or if a candidate or officeholder files a report that includes inadvertent omissions or insignificant errors or inaccuracies, and those errors or inaccuracies are not corrected in the candidate or officeholder's next report, the candidate or officeholder is guilty of an infraction.

c. If a candidate or officeholder knowingly and intentionally violates any reporting requirement by failure to file a report or knowingly and intentionally filing a false report, the candidate or officeholder is guilty of an infraction.

D. If a fourteen-day notice has been given by the clerk, any prosecution shall be initiated within one year after expiration of that notice.

E. The county clerk shall report all violations of subsection (B)(2) to the attorney.

F. No action under subsection (C) can be brought after one year from the expiration of the fourteen day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

2.21.070: Blanks for statements prepared and furnished by chief election officer.

The chief election officer shall:

A. Develop and prepare forms for all statements required by this chapter; and

B. Provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request them.

2.21.080: Retention and public inspection of financial statements—Written complaint if statement is false or unlawful.

A. The chief election officer shall:

1. Make each financial statement and statement of organization required by this chapter:

a. Open to public inspection in the office of the chief election officer; and

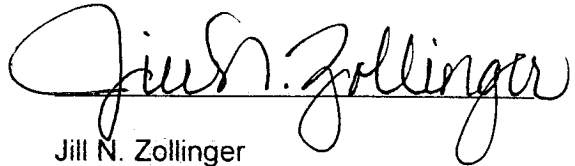
- b. When an internet accessible system has been established by the county clerk, make such documents available for viewing on the Internet at the county clerk's website within seven calendar days after the report is received by the chief election officer, except that the county clerk shall exclude home addresses and other personal information from being viewed on the internet;
 2. Preserve those statements for at least five years; and
 3. Provide certified copies of the financial statements in the same manner as for other public records.
- B. Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth.

ORDINANCE ACTION = ORDINANCE NUMBER 2014-01

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 2014-01 adopted by the Cache County Council on the 11th day of March, 2014, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 26th day of March, 2014. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 12th day of March, 2014.



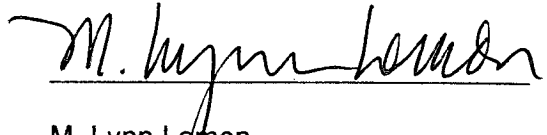
Jill N. Zollinger
Cache County Clerk

Action of County Executive:

Ordinance Number 2014-01 is hereby:

☒ Approved
☐ Disapproved (Written statement of objection attached)

Dated this 13 Day of March 2014.



M. Lynn Lemon
Cache County Executive

Notice of Non-action:

Ordinance Number 2014-01 was presented to the Cache County Executive on the ____ Day of ____ 2014 and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this ____ Day of ____ 2014.

Jill N. Zollinger
Cache County Clerk

Ordinance History:

Date adopted by the County Council
Date presented to the County Executive
Date approved/disapproved by County Executive

03/11/2014

03/12/2014

Action by Council upon return:

☐ Disapproval overridden
☐ Disapproval sustained

Date 15 day period ended
Date of publication or notice
Effective date of ordinance
Date filed in County Clerk's office

03/26/2014

03/26/2014

03/26/2014

03/12/2014