

TITLE 1
GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

Section

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1-1-1. Tooele County Code.

These ordinances shall collectively be known and cited as the “Tooele County Code” or the “Code.” (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-2. Effect of amendments and repeals.

The amendment of any provision of this Code shall not affect any act done, any right accrued, any penalty incurred, any legal action or pending proceeding, or the tenure of office of any person holding office under a prior version of the provision. Nor shall the repeal of any provision have the effect of reviving any provision previously repealed or superseded. (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-3. Definitions.

The following definitions apply throughout this Code, unless the definition is repugnant to the context of the section or unless a different definition is expressly provided for in the respective title, chapter, section or subsection:

- (1) “Assessor” means the Tooele County Assessor;
- (2) “Attorney” means the Tooele County Attorney;
- (3) “Auditor” means the Tooele County Auditor;
- (4) “Clerk” means the Tooele County Clerk;
- (5) “Code” means the Tooele County Code;
- (6) “Council” means the Tooele County Council;
- (7) “Council member” means a member of the Tooele County Council;
- (8) “County” means Tooele County;

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(9) “County budget officer” means the person designated by the council to prepare and present a tentative budget, serve as a county purchasing agent, prepare and present financial statements to the council, and perform other duties required by law;

(10) “Department” means an organizational unit under the direction and supervision of the Tooele County Manager, and does not include the office of any elected official;

(11) “Elected official” means a member of the Tooele County Council, the Tooele County Assessor, the Tooele County Attorney, the Tooele County Auditor, the Tooele County Clerk, the Tooele County Recorder/Surveyor, the Tooele County Sheriff, and the Tooele County Treasurer;

(12) “Manager” means the Tooele County Manager;

(13) “Recorder” means the Tooele County Recorder/Surveyor;

(14) “Recorder/surveyor” means the Tooele County Recorder/Surveyor;

(15) “Records officer” means the person appointed as the records officer by the Tooele County Manager;

(16) “Sheriff” means the Tooele County Sheriff;

(17) “Surveyor” means the Tooele County Recorder/Surveyor; and

(18) “Treasurer” means the Tooele County Treasurer. (Ord. 2021-22, 4/20/21; Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-4. Rules of construction.

(1) Words and phrases are to be construed according to the context and the approved usage of the language; but technical words and phrases, words and phrases that have acquired a peculiar legal meaning, or words and phrases that are defined in this Code, are to be construed according to such meaning or definition.

(2) The singular includes the plural, and the plural includes the singular.

(3) A word used in the present tense includes the future tense.

(4) A word used in one gender includes the other genders.

(5) “Include” or “includes” or “including” means that the items listed are not an exclusive list unless the word “only” or similar language is used to expressly indicate that the list is an exclusive list. (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-5. Penalty for violation.

Whenever no other penalty is prescribed, any person found guilty of violating any provision of this Code shall be deemed guilty of a class B misdemeanor. (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-6. Liability of employers and agents.

When the provisions of this Code prohibit the commission or omission of any act, not only the person doing the prohibited thing, or omitting the directed act, but also the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense. (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-7. Severability.

The unenforceability, invalidity or illegality of any provision of this Code shall not render the other provisions unenforceable, invalid or illegal. (Ord. 2021-17, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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CHAPTER 2

COUNCIL-MANAGER FORM OF GOVERNMENT

Section

- 1-2-1. Generally.**
- 1-2-2. Repealed.**
- 1-2-3. General Powers.**
- 1-2-4. Purpose of this Chapter.**
- 1-2-5. Legislative Body.**
- 1-2-6. Election of Council Members.**
- 1-2-7. Compensation of Council Members.**
- 1-2-8. Council Meetings.**
- 1-2-9. Powers and Duties of the Council.**
- 1-2-10. County Manager.**
- 1-2-11. Departments.**
- 1-2-12. Elected Officials.**
- 1-2-13. Transitional Provisions.**

1-2-1. Generally.

Tooele County hereby establishes a council-manager form of government as provided by Utah Code Annotated § 17-52a-204. This form of government retains, without change, all existing incorporated municipalities, special taxing districts, public authorities, county service areas, school districts, and other local public entities. This form of government vests the legislative powers of Tooele County in the Tooele County Council and the executive powers of Tooele County in the Tooele County Manager. (Ord. 2021-01, 1/5/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-2. Repealed. (Ord. 2021-22, 4/20/21; Ord. 2021-01, 1/5/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-3. General Powers.

(1) Powers. Tooele County is continued as a body corporate and politic. It has all powers pursuant to the authority of the constitution and laws of the State of Utah, including common law, either now or hereafter expressly or impliedly granted to any county. These powers include, without limitation:

(a) Specific or general grants of power, including those conferred by Utah Code Title 17, Chapter 50, Part 3, that grant independent authority apart from or in addition to specific grants of authority to enact ordinances that are reasonably and appropriately related to the objectives of that power;

(b) Powers conferred by the laws of the State of Utah, including those permitting county governments to enact legislation on subjects already addressed in state laws provided that the state laws have not pre-empted county legislation on the subject or that the county legislation does not conflict with the existing state laws; and

(c) Powers conferred by Utah Code Title 17, Chapter 52a, detailing how counties may change their existing forms of county government by adopting an optional plan for county government.

(2) Interpretation of Powers. The powers of Tooele County shall be construed liberally in favor of the exercise of authority by the government of Tooele County. The specific enumeration of powers in this chapter shall not be construed to limit the scope of the powers conferred by the laws of the State of Utah or by this chapter, nor shall the specific enumeration of powers in this chapter be construed to limit Tooele County's ability to amend its form of government as allowed. Any powers conferred by this chapter, in addition to those designated in the preceding section, are supplementary to, and not a limitation upon, any powers conferred by the laws of the State of Utah, including common law.

(3) Levels of Services and Functions. Tooele County, consistent with the laws of the State of Utah, may provide differing levels of services and functions to areas outside the limits of incorporated municipalities, or within incorporated municipalities, as allowed by the laws of the State of Utah. Nothing in this chapter shall be construed to prevent Tooele County from creating special service districts and service areas or from entering into agreements and contracts with any public or private entity as allowed by the laws of the State of Utah. (Ord. 2021-01, 1/5/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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1-2-4. Purpose of this Chapter.

The purpose of this chapter is to provide a separation of executive and legislative powers. Where this chapter is silent on the distribution or locus of a particular power, it hereby authorizes the allocation of powers according to an executive-legislative distinction. The locus of residuary powers not expressly vested in the manager or the council shall be determined by function. Where helpful, state and federal separation of power models may be used to determine whether a particular power is executive or legislative. Where it is unclear as to whether powers, rights, duties or obligations pertain to the council or the manager, except as provided in this chapter, all executive functions shall inure to the manager and all legislative functions shall inure to the council. (Ord. 2021-01, 1/5/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-5. Legislative Body.

(1) Composition of the Council. The legislative body of Tooele County shall be a council composed of five members. A quorum of the council consists of three members except in cases where this chapter specifies a greater number.

(2) Chair and Vice Chair. By a majority vote of the full membership at its first meeting each year, the council shall elect one member to serve as chair and one member to serve as vice chair. During the absence of the chair, the vice chair shall assume the duties of the chair. The chair and vice chair shall have full right to debate and vote in the council. The council, upon the affirmative vote of three or more members, may remove the chair or vice chair at any time. Upon removal of the chair, or vacancy in the office of the chair, the vice chair shall serve as interim chair until the council elects a new chair. Upon the election of a new chair, the interim chair shall return to the office of vice chair. Upon removal of the vice chair, or vacancy in the office of the vice chair, the remaining council members shall, by majority vote, select a council member as vice chair. The new chair or new vice chair shall serve for the unexpired portion of the former chair's or former vice chair's term.

(3) Setting the Council's Agenda. The chair, in consultation with the manager, shall set the council's agenda. Two or more council members may cause an item to be placed on the agenda by filing a written request that includes a statement of the reasons therefor, sufficiently in advance of the meeting so that compliance with the public notice requirements of the Open and Public Meetings Act can be achieved. (Ord. 2021-01, 1/5/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-6. Election of Council Members.

(1) Elections. Each council member shall be elected by the voters of the council district in which the council member resides. Council members shall meet the qualifications of office of county elected officials as established by state law and shall remain residents of their council district throughout their term of office. There shall be five individual seats known as council seats 1, 2, 3, 4 and 5. For the initial election of council members, the initial terms of office for council seats 1, 3 and 4 shall be four years; and the initial terms of office for council seats 2 and 5 shall be two years. After the initial term of office, the regular term of office of each seat shall be four years. Each term begins at noon on the first Monday of January following the election.

(2) Vacancies. Council members may be removed from office pursuant to any process provided in state law. The office of council member shall be deemed vacant if the council member is removed, dies, resigns, or fails to maintain residency in his/her council district. Any council member wishing to resign from the council must submit to the council a written resignation that includes a statement of the reasons therefor and the date and time upon which the resignation becomes effective. Upon a vacancy of a council member's office, the office shall be filled by following the procedures set forth in state law. (Ord. 2021-01, 1/5/21; Ord. 2013-07, 4/2/13; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-7. Compensation of Council Members.

(1) Base Salary. The initial base salary for council members shall be not less than \$20,000 per year and not greater than \$25,000 per year. The base salary may be changed pursuant to state law. Council members shall serve part-time and receive the same cost of living and merit salary adjustments as granted to regular and exempt employees of Tooele County, subject to the notice and hearing requirements of state law. A council member's salary may not be diminished during his or her term of office.

(2) Reimbursement for Expenses. Council members shall be entitled to receive reimbursement for expenses as allowed by law.

(3) Insurance Coverage. Council members may enroll themselves and their immediate family members in insurance programs offered to full-time county employees but shall pay the entire premium for such coverage without county contribution.

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(4) Retirement Benefits. Council members who are qualified to participate in the URS Tier I retirement system may waive participation. In the absence of such a waiver, the county shall contribute to the council member's URS account as required by law. (Ord. 2021-01, 1/5/21; Ord. 2020-11, 3/31/20; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-8. Council Meetings.

(1) Regular Meetings. The council shall meet in regular session at stated times to be provided by ordinance. Regularly scheduled council meetings may be canceled by a majority vote of the council.

(2) Special Meetings. Special meetings may only be held when called by the chair or when called by three or more council members.

(3) Electronic Meetings. The council may hold electronic meetings.

(a) A request for an electronic meeting must be made by a council member at least three days prior to the meeting.

(b) The council shall give public notice of the meeting pursuant to the Utah Open and Public Meetings Act, post written notice of the meeting at the anchor location, provide notice of the electronic meeting to council members at least 24 hours before the meeting, and inform council members and the public how to connect to the electronic meeting.

(c) A quorum of the council must be physically present at a single anchor location for the meeting and vote to authorize the electronic meeting. Unless otherwise specified, the anchor location shall be the council's chambers in the Tooele County Administration Building, 47 South Main Street, Tooele, Utah.

(d) Interested persons and the public may attend, monitor, and participate in the open portions of the meeting. In-person attendance and in-person participation may be limited or prohibited if electronic attendance and participation is provided for.

(e) Notwithstanding sections (3)(b), (3)(c) and (3)(d), the council may convene and conduct an electronic meeting without an anchor location if the chair makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location, states in the written determination the facts upon which the determination is based, includes the written determination in the public notice for the meeting, reads the written determination at the beginning of the meeting, and includes in the public notice information on how the public may view or make comments at the meeting.

(4) Open Meetings. Proceedings and meetings of the council shall be conducted in accordance with the Utah Open and Public Meetings Act and other applicable laws and ordinances.

(5) Voting. Voting shall be by roll call, and the ayes and nays shall be recorded in the council minutes as a matter of public record. A council member may abstain from any vote if he or she declares a conflict of interest. Council members abstaining from a vote shall be considered present for the purposes of a quorum.

(6) Vote Required for Valid Action. Except for matters on which a greater or lesser vote is expressly provided by law or by this chapter, no council action shall be valid and binding unless approved by the affirmative vote of a majority of a present quorum. (Ord. 2021-01, 1/5/21; Ord. 2020-11, 3/31/20)

1-2-9. Powers and Duties of the Council.

(1) Powers. The council is the legislative body of Tooele County, and is vested with all legislative powers of Tooele County. The specific enumeration of legislative powers herein shall not be construed to limit the legislative powers of the council. Within the scope and subject to the limits of its lawful powers and duties, the council shall have the power to:

(a) Consider and adopt all ordinances, rules, regulations, policies and procedures governing or regarding: the management and organization of county government; the safety, health, prosperity, morality, peace, good order, comfort and convenience of Tooele County and its inhabitants; and the protection of property in Tooele County;

(b) Levy taxes upon taxable property within Tooele County for all county purposes;

(c) As the council or an individual council member, unless prohibited by law: investigate any matter pertaining to Tooele County, its business affairs, or any officer or employee thereof; examine and audit the accounts of elected officials and others having the care, management, collection, or disbursement of monies owed to or belonging to Tooele County or held for the use or benefit of Tooele County; and require information from the manager, elected officials and county employees;

(d) Conduct hearings on matters of public concern; and require the attendance and participation of witnesses or the production of documents and other evidence, administer oaths, and take testimony;

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- (e) As the council or an individual council member, review, examine and comment upon administrative decisions or executive decisions.
 - (f) Approve, adopt and amend a final annual budget;
 - (g) Consolidate county elected offices, separate any previously consolidated elected offices, and reconsolidate any county elected offices;
 - (h) Adopt, by ordinance, rules governing the council's activities, meetings, and organization, in accordance with this chapter and state law;
 - (i) Fix salaries and benefits of elected officials in accordance with state law, county ordinances, policies and procedures, and this chapter;
 - (j) Approve appointments and removals of department directors made by the manager;
 - (k) Conduct quasi-judicial hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as provided by law;
 - (l) Fill vacancies on boards, committees, and commissions, and in connection therewith, hold hearings, interview candidates, and conduct such other investigations as the council deems appropriate;
 - (m) Appoint council members to serve on boards, committees, commissions, and projects;
 - (n) Grant franchises over and along county roads for all lawful purposes and according to such terms and conditions as the council determines appropriate, in accordance with state law;
 - (o) Appoint and discharge the manager and county budget officer;
 - (p) Provide for the development of county resources as shall appear appropriate to the council, and in accordance with state law;
 - (q) Veto any executive order issued by the manager;
 - (r) Appoint an acting county manager to perform the duties of county manager until such time as a new manager has been selected; and
 - (s) In consultation with the manager and the county attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party;
 - (t) Reserve or take back any executive or administrative function;
 - (u) Do and perform every other act of a legislative nature, which is necessary and proper to the council's powers and functions and which is not prohibited by law or this chapter.
- (2) Prohibitions. Neither the council nor any council member shall have power to:
- (a) Appoint, dismiss, or give directions to any individual employee employed by the executive branch or in the office of any elected official, nor influence or attempt to influence individual personnel actions or the purchase of goods or services, provided, however, that nothing in this section shall be construed to prohibit the council, while in open session or while in a lawfully closed meeting, from fully and freely discussing with or suggesting to the manager or any elected official or employee, anything pertaining to county affairs or the interests of Tooele County;
 - (b) Condition the appointment of a manager on a promise to hire or fire a particular person;
 - (c) Enter into any contract of employment with the manager which would limit the council's right to discharge the manager for any reason, with or without cause; or
 - (d) Supervise other elected officials, other than to ensure compliance with general county administrative ordinances, rules and policies and to examine and audit the accounts of all county officers having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit. (Ord. 2021-01, 1/5/21)

1-2-10. County Manager.

- (1) Manager as Administrative Head. The administrative head of Tooele County shall be the manager, who shall be appointed by the council as provided in this section.
- (2) At-Will Employment. The manager shall serve at the pleasure of the council, which shall at all times retain the power to discharge the manager for any reason, with or without cause.
- (3) Qualifications. The manager's qualifications shall be established by the council.
- (4) Compensation and Benefits. The manager's salary shall be established by the council. The manager shall be entitled to the same employee benefits as other full-time county employees.
- (5) Powers and Duties: The manager is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the other elected officials and those executive and administrative responsibilities retained by the council under this chapter. The specific enumeration of executive

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powers herein shall not be construed to limit the executive powers of the manager. The manager's powers include, without limitation, the power to:

- (a) Manage and direct the activities of Tooele County in a manner consistent with law and this chapter, including the management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the activities of elected officials carried out in the exercise of their statutory duties;
 - (b) Carry out and enforce the programs and policies of the council;
 - (c) Carry out and enforce the internal operating regulations, policies, and procedures of Tooele County;
 - (d) Faithfully execute the laws and ordinances of Tooele County and enforce the terms of county franchises, contracts, and other undertakings;
 - (e) Appoint and remove assistant county managers and department directors with the approval of the council;
 - (f) Place department directors on administrative leave with pay pending the next council meeting;
 - (g) Exercise control over county assets, funds and property pursuant to law, except as that authority is delegated by law to an elected official;
 - (h) Prepare and present a tentative budget to the council no later than October 21 of each calendar year;
 - (i) Have access to and review county books, accounts and funds necessary to perform the executive function under law and this chapter, maintain a continuing review of expenditures and effectiveness of budgetary control in the several departments, and supervise and conduct audits for budget and management purposes;
 - (j) Without the approval of the council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess county property not to exceed \$25,000 in value;
 - (k) With the approval of the council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess county property exceeding \$25,000 in value;
 - (l) Sign all documents or instruments on behalf of Tooele County, including contracts and bonding documents, except legislative acts of the council and documents that are to be signed by other elected officials;
 - (m) With the consent of the council, consider, adopt, and implement long range planning, programs and improvements;
 - (n) Act as intergovernmental relations liaison except as otherwise directed by the council;
 - (o) Attend and participate in council meetings and discussions, with automatic standing, on every agenda, but without the right to vote;
 - (p) Submit an annual "State of Tooele County" report to the council at such time and place as the council shall designate;
 - (q) Non-exclusively recommend persons to fill positions on boards, commissions, or similar bodies whose membership is appointed by the council;
 - (r) Supervise the elected officials to ensure compliance with general county administrative ordinances, rules and policies, and examine and audit the accounts of all county officers and employees having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit;
 - (s) Without the approval of the council, settle all accounts legally chargeable against Tooele County not exceeding \$25,000, after examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts;
 - (t) With the approval of the council, settle all accounts legally chargeable against Tooele County exceeding \$25,000, after examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts;
 - (u) In conjunction with the council and the county attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party;
 - (v) With the approval of the council, consolidate departments, separate any previously consolidated departments, and reconsolidate departments; and
 - (w) Upon recommendation of the treasurer, remit one year's property taxes, together with penalties and interest, provided that the total amount due does not exceed \$25 and that the taxpayer has not received a remittal for any other property or any other year.
- (2) Prohibitions. The manager shall not have power to:
- (a) Veto any action taken by the council; or
 - (b) Direct or supervise the elected officials or their deputies with respect to the performance of their duties.

(Ord. 2021-33, 7/20/21; Ord. 2021-01, 1/5/21)

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1-2-11. Departments.

(1) Generally. All activities of the executive branch of Tooele County under the direction and supervision of the manager shall be distributed among such departments as are established by ordinance of the council.

(2) Appointment of Department Directors. Department directors shall be appointed and removed by the manager with the approval of the council.

(3) Department Employees. All other employees within each department shall be employed subject to the provisions of this chapter, state law, county ordinance, and personnel policies and regulations. Each department director shall be responsible for the administration and management of his or her department. (Ord. 2021-01, 1/5/21)

1-2-12. Elected Officials.

(1) Elected Officials Enumerated. The offices of assessor, attorney, auditor, clerk, recorder/surveyor, sheriff, and treasurer shall be elected as authorized by state law. Nothing herein shall prohibit the council from consolidating or separating any such office as may be consistent with state law. The election, appointment, replacement, qualifications, and duties of each elected official shall be as established by state law, this chapter, or county ordinances.

(2) County Budget Officer. The office of county budget officer shall exist as provided in state law. In preparing the tentative budget, the county budget officer shall be assisted and informed by a budget committee, whose members shall consist of the county budget officer, the manager, and such other members as the county budget officer shall appoint with the advice and consent of the manager and the council. After receiving the tentative budget from the county budget officer, the manager shall prepare and present a proposed budget to the council on or before October 21 of each calendar year. (Ord. 2021-01, 1/5/21)

1-2-13. Transitional Provisions.

(1) Dissolution of Office of County Commissioner. The office of county commissioner of Tooele County was dissolved at midnight local time on December 31, 2020. Any commissioner whose term did not expire on December 31, 2020, shall receive compensation of his or her regular salary and benefits up to December 31, 2020. Those commissioners who became council members on January 1, 2021, shall receive only the salary granted to that new office beginning January 1, 2021.

(2) Operative Date. The provisions of this chapter shall become effective upon adoption of this chapter by the council.

(3) Continuity of Government. Tooele County shall retain and possess all rights, capacities, privileges, powers, franchises, and immunities, and shall retain all liabilities to which it was subject prior to the adoption of this chapter. It is the intent of this section that there shall be no interruption in the continuity, powers, obligations, or jurisdiction of government within Tooele County by the adoption of this chapter. To that end, all legislative, judicial, or administrative proceedings pending during the transition to this chapter shall be preserved, continued, and deemed unaffected by this chapter. Until changed pursuant to law, all ordinances, rules and regulations previously in full force and effect under the legal authority of Tooele County shall continue in full force and effect except to the extent they may be modified by the adoption of this chapter.

(4) Retention of Property, Assets and Obligations. Tooele County shall retain, own, and possess all properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, that it owned prior to the adoption of this chapter. All debts, obligations, and liabilities of Tooele County shall remain unaffected by this chapter. The contractual rights of any contractor, bond holder or creditor, or their assigns, and the pension rights and other employment rights of county officials and employees shall not be impaired by any provision of this chapter. (Ord. 2021-01, 1/5/21)

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CHAPTER 3

COUNTY OFFICIALS - BONDS

Section

1-3-1. Generally.

1-3-2. Treasurer bond.

1-3-3. Approval and filing.

1-3-1. Generally.

(1) No fidelity bonds are required under this ordinance unless an individual bond is required under a contract entered into by the county or by state law. All other officers shall be covered by theft or crime insurance secured by the county.

(2) Before entering upon the discharge of their respective offices, the following officers shall be covered by theft or crime insurance with a per occurrence limit of not less than the following amounts or such higher amounts as may be required by state law:

Office	Penalty/Coverage
Council members	\$5,000
Manager	\$5,000
Assessor	\$20,000
Attorney	\$5,000
Auditor	\$5,000
Clerk	\$5,000
Justice Court Judge	\$5,000
Recorder	\$5,000
Sheriff	\$20,000
Surveyor	\$5,000
Treasurer	(As set by the State Money Management Council)
Constable	\$5,000
Deputies/Assistants	\$2,500

(3) If any of the listed offices are combined pursuant to Section 17-16-3 of the Utah Code, the combined office shall not require multiple policies of insurance and the coverage limit for theft or crime insurance for the combined office shall not be less than the highest requirement of the offices so combined.

(4) If any of the listed offices are held by an appointed officer under contract with the county, the limit of coverage for theft or crime insurance required shall be as agreed to under such contract.

(5) Theft or crime insurance covering county officials under this ordinance shall be provided by an admitted or surplus lines insurance carrier or an interlocal cooperative agency acting as a public agency insurance mutual, or joint reserve fund. Any bonds required under contract shall be approved by the council and filed and kept in the office of the county clerk. Any theft or crime insurance secured for the purpose of complying with this ordinance shall be approved by the council.

(6) County officials and county personnel, except officials who may be required by state law to give an individual bond or who may be required to be covered by theft or crime insurance to qualify for office, may be covered by blanket theft or crime insurance coverage rather than separate individual policies or coverage. Said theft or crime insurance shall provide a minimum coverage limit of the maximum coverage required by state statute or county ordinance of any person covered by such blanket theft or crime insurance.

(7) The premium of any bond or theft or crime insurance referred to herein shall be paid from county funds.
(Ord. 2021-18, 3/16/21; Ord. 2018-16, 11/30/18; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-2. Treasurer bond.

The treasurer shall execute an official bond in an amount prescribed by the Utah State Money Management Council.
(Ord. 2021-18, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

GENERAL PROVISIONS

1-3-3. Approval and filing.

The bonds and sureties of all county and precinct offices shall be approved by the council before the bonds are filed. All official bonds required by this chapter shall be filed and kept in the office of the county clerk. The official bond of the county clerk shall be filed and kept in the office of the county treasurer. (Ord. 2021-18, 3/16/21; Ord. 2018-16, 11/30/18; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 4

COUNTY ELECTION DISTRICTS (REPEALED)

(Ord. 2021-20, 4/6/21; Ord. 2008-13, 6/10/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92; 98-13, 6/11/98)

CHAPTER 5

GENERAL PLAN (REPEALED)

(Ord. 2021-23, 4/20/21; Ord. 95-27, 12/20/95)

CHAPTER 6

FEES

Section

1-6-1. Recorder/Surveyor - Filing and permit fees; penalties.

1-6-2. Fees for municipal services.

1-6-3. Officials' fees.

1-6-4. Local option highway construction and transportation corridor preservation fee.

1-6-5. Inmate processing fee.

1-6-1. Recorder/Surveyor - Filing and permit fees; penalties.

(1) For each survey map filed and indexed pursuant to Utah Code Sections 17-23-17, 17-23-17.5 or 17-23-18, the recorder/surveyor shall collect in advance the sum of \$30 per page. Said survey maps will be filed only if they are on material of a permanent nature on stable base reproducible material in the sizes required by the recorder/surveyor. All moneys collected under this section shall be deposited with the treasurer to be credited to the Public Land Corner Preservation Fund, which shall be used only to pay expenses incurred and authorized by the recorder/surveyor for the establishment, re-establishment, and maintenance of corners of government surveys pursuant to Utah Code Title 17, Chapter 23, and Utah Code Title 57, Chapter 10.

(2) Pursuant to Utah Code Section 17-23-4, the county requires a permit to be obtained from the recorder/surveyor before performing construction within 30 feet of an established government survey monument or public land survey government corner location. The fee for said permit is \$400 per monument. After completion of the construction work, if the government survey monument or public land survey government corner location is undisturbed, the recorder/surveyor shall refund \$250 to the permit holder. If the construction work disturbs the government survey monument or public land survey government corner location:

(a) the permit holder is responsible for the necessary construction work and re-establishment of the government survey monument or public land survey government corner location; and

(b) the county shall provide to the permit holder the necessary brass monument, ring, and lid.

(3) In the absence of an emergency that poses a threat to public health or safety, any person who violates any provision of subsection (2) or any provision of Utah Code Section 17-23-14 shall pay to the county a civil penalty in the amount of \$1,000 per violation. (Ord. 2021-29, 6/15/21; Ord. 2019-11, 5/7/19; Ord. 2017-02, 2/21/17; Ord. 2007-03, 2/6/07; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

GENERAL PROVISIONS

1-6-2. Fees for municipal services.

(1) In addition to other fees or charges imposed for municipal-type services it provides, the county may charge fees for the following services and functions:

- (a) fire prevention and protection;
- (b) special event security;
- (c) hazardous materials or waste cleanup;
- (d) hazardous materials transportation escort; and
- (e) oversize or overweight transportation escort.

(2) The fees charged for the services in subsection (1) shall be equal to \$40 per man-hour expended, plus the actual costs of materials, supplies and equipment used in providing such services. (Ord. 2021-29, 6/15/21; Ord. 2001-39, 12/11/01)

1-6-3. Officials' fees.

The following fees are hereby established for services provided by the corresponding county office or department:

(1) **Assessor:**

Assessment/Taxroll Data	\$435
Listing of Mobile Homes	\$100
Photocopies (first page)	\$1
Photocopies (each additional page)	25¢

(2) **Attorney:**

Digital Media (CD or DVD)	\$10/case
Notary	\$5/signature
Police Report (up to 15 pages)	\$15
Police Report (each additional page)	\$1

(3) **Auditor:**

May Tax Sale Administrative Fee on Advertised Property	\$400
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(4) **Clerk:**

Beer License (consumption)	\$200
Beer License (package)	\$100
Beer License (single special event)	\$200
Business License (residential)	\$30 + \$5/each additional employee
Business License (commercial)	\$50 + \$5/each additional employee
Candidate Filing Fees	
Local School District Board	\$50
All Other Federal, State and County Offices	1/8 of 1% of the total salary for the full term of office
Late Fees (Per month, not to exceed three months)	
Beer License (consumption)	\$200
Beer License (package)	\$100
Business License (residential)	\$30
Business License (commercial)	\$50
Mailing Charge	Actual cost
Marriage Ceremony	\$50
Marriage License (includes two certified copies)	\$50
First additional certified copy	\$7
Each additional certified copy thereafter	\$2
Uncertified copy	\$1
Notary	\$5/signature
Passport Fee	\$35
Passport Photos	\$10

GENERAL PROVISIONS

Solicitor's Badge	\$20
Voter Certificates	\$5
Voter Registration List	\$20 + 1/2¢/name

(5) **Community Development:**

Address Certificate	\$25
Administrative Code Enforcement	
1st Offense	Warning
2nd Offense	\$100/day
3rd and All Subsequent Offenses	\$250/day
Civil Citation	\$25
Clean Up of Junk and Vehicles	Actual Cost + Penalties
Sign or Building Abatement of Property	Actual Cost + Penalties
Sign Removal from Public Property	\$25
Amendment to Text of Land Use Ordinance	\$500
Maps, Plats, Oversized Prints	See subsection (14)
Notary	\$5/signature
Planning/Zoning	\$200
Agriculture Protection	\$275
Amendment to General Plan	\$250
Amendment to Plat Map	\$250
Appeal to Appeal Authority	\$200/property
Approval of Exchange	\$300
Conditional Use Permit (C.U.P.)	
C.U.P. Temporary	\$300
C.U.P. Amendment	50% of regular fee
C.U.P. (Mining, quarry, sand and gravel excavation)	\$1,000
Annual inspection fee	\$250
C.U.P. (Planned Unit Development - concept)	\$500
C.U.P. (Planned Unit Development - preliminary)	\$500
C.U.P. (Planned Unit Development - final)	\$500
C.U.P. Day Care/Pre-School	\$250
Annual inspection fee	\$50
C.U.P. Home Occupation	\$100
Annual inspection fee	\$50
C.U.P. Temporary Construction Trailer	\$100
Digital Recordings	\$10
Planning Commission Extension (Subdivision Application or C.U.P.)	\$100
Professional Filming	\$200
Public Assembly Permit	\$100/day
Re-Zone Application	\$500
Right-of-Way Vacation/Dedication	\$500
Sign Permit (permanent)	\$250
Sign Permit (temporary)	\$25
Site Plan Review (commercial, industrial or multi-family)	\$1,000
Site Plan Review (not requiring other permit)	\$100
Subdivision – Major	
Concept Stage	\$750
Preliminary Plat	\$750 + \$50/lot
Final Plat	\$1,000 + \$50/lot
Subdivision – Minor	\$750 + \$50/lot
Subdivision – Standard	

GENERAL PROVISIONS

Preliminary Plat	\$750 + \$50/lot
Final Plat	\$1,000 + \$50/lot
Variance/Special Exception	\$250

(6) **Facilities Management / Parks & Recreation:**

<u>Benson Grist Mill</u>	
<i>Reduction may be given for service project.</i>	
After Hours Requests (Photography)	\$20/hour
Daytime Use (25 people or less)	\$10/hour + \$250 deposit
Daytime Use (26-100 people)	\$50 for 1-4 hours + \$10 each additional hour + \$250 deposit
Individual Overnight Camper	\$5/night
Overnight Groups (25 people or less)	\$25 + \$250 deposit
Overnight Groups (26-100 people)	\$50 + \$250 deposit
Weddings, Large Events (100+ people)	\$500 + \$250 deposit
<u>County Building</u>	
Room Rental	
Auditorium (1750 sq. ft.)	\$20/hour + \$500 deposit
Old EOC Room (780 sq. ft.)	\$20/hour + \$500 deposit
<u>Deseret Peak Complex</u>	
<i>Hours of Operation (may vary seasonally): Monday - Saturday, 7:00 a.m. to 9:00 p.m. Sunday, 7:00 a.m. to 6:00 p.m. \$500 Deposit Required on All Rentals (unless noted otherwise)</i>	
Parking Lot Rental	\$200
Aquatic Center	
Daily Rate	\$4
Pavilion Rental	\$20/hour + admission for all guests
Private Reservations (Up to 200 People)	
Sunday - Thursday	\$150/hour + \$250 cleaning deposit
Friday - Saturday	\$200/hour + \$250 cleaning deposit
Punch Card	\$30/10-punch pass
Swimming Lessons (8 lessons)	\$30/student
Archery Range	\$3/day (open shooting)
Archery Range	\$200/day with stationary targets
Arenas	
Indoor Arena (Seating Capacity 1,200)	
Hourly Arena Rental (3-hour minimum)	\$50/hour
Daily Arena Rental	
(no staff or county equipment during event required)	\$500/day
Operator during event	\$50/hour
Tractor (time to be used as per meter on tractor)	\$50/hour
Ticketed Event Charge (plus daily rental rate)	\$1/person
Tractor Rental (renter operates tractor, arena will be prepared at start of rental)	\$75/day
Floor Rental	\$100
County Install of Flooring and Cleaning	\$2,250
Open Riding	\$10/day
Monthly Open Ride Pass	\$25/month
Sound System	\$100/day or \$10/hour

GENERAL PROVISIONS

Outdoor Arena (Seating Capacity 2,500)	
Hourly Arena Rental (3-hour minimum)	\$50/hour
Daily Arena Rental	
(no staff or county equipment during event required)	\$500/day
Operator During Event	\$50/hour
Tractor (time to be used as per meter on tractor)	\$50/hour
Ticketed Event Charge (plus daily rental rate)	\$1/person
Tractor Rental (renter operates tractor, arena will be prepared at start of rental)	\$75/day
Open Riding	\$10/day
Monthly Open Ride Pass	\$25/month
Sound System	\$100/day or \$10/hour
Camping	
RV With Full Hookups	\$30/night
With Electric Only Hookups	\$20/night
With No Hookups	\$15/night
Convention Center	
Deposit	\$500
Exhibit Hall	\$500
Flip Chart Stand	\$5
Kitchen	\$50
Overhead Projector	\$20
Podium with Sound	\$50
Screen	\$25
Single Room	\$100
Stage – Large	\$110
Stage – Small	\$55
Tables & Chairs	included in rental fee
Ticketed Event Charge	\$1/person
TV/VCR/DVD	\$20
Wedding Rate	\$750
White Board	\$10
Rentals - For Offsite Use	
Chair Rental	\$1 each
Table Rental	\$10/day
Rentals - For Onsite & Offsite Use	
10'x10' Tent (renter pays city permit fees)	\$375/day
Portable Bleachers	\$400/day
Heavy Equipment	
Arena Tractor	\$50/hour
Backhoe	\$50/hour
Dozer	\$90/hour
Dump Truck	\$65/hour
Grader	\$90/hour
Loader	\$90/hour
Man Lift	\$50/hour
Skid Steer	\$50/hour
Water Truck	\$90/hour
Horse Stalls 12 x 12	\$15/day
Horse Track (4-horse gate, to be stationary, with no staff or equipment required)	\$80/hour, \$800/day
Horse Walker	\$150/year
Open Ride	\$10/day

GENERAL PROVISIONS

Race (including 3-4 staff, equipment, and 4-horse gate)	\$5,000/day
Racehorse Track (Season Pass)	\$250/year
Ticketed Event Charge (plus daily rental rate)	\$1/person
Motorized Arena (Seating Capacity 7,000)	\$500/event (price may vary depending on event requirements)
Ticketed Event Charge (plus daily rental rate)	\$1/person
Museum Admission	Donation
Parking Fee	\$1 to \$2/event
Pavilion (Livestock)	\$250/day + \$500 cleaning deposit
Personnel	\$50/hour
<u>Grantsville Reservoir</u>	
Overnight Camping	\$15/night
<u>Middle Canyon</u>	
Day Use	\$3/vehicle
Overnight Camping	\$15/night
Group Campsite County Resident	\$125/night + \$250 cleaning deposit
Group Campsite Non-County Resident	\$150/night + \$250 cleaning deposit
Season Pass (1-Canyon) for Day Use Only (does not include camping)	\$35
Season Pass (2-Canyon) for Day Use Only (does not include camping)	\$50
Senior Season Pass (2-Canyon) for Day Use Only (60+ years of age - must show valid ID with DOB)	\$25
Disabled Veteran Season Pass (2-Canyon) for Day Use Only (Present proof of county residency, proof of honorable discharge, and proof of service-related disability of 50% or more to county auditor's office. Pass is good for up to 7 additional people in same vehicle.)	\$0
<u>Ophir Canyon</u>	
Overnight Camping	\$15/night
<u>Settlement Canyon Recreation Area</u>	
Day Use	\$3/vehicle
Group Campsite	
County Resident	\$125/night + \$1 for each additional person over 100 + \$250 cleaning deposit
Non-County Resident	\$150/night + \$1 for each additional person over 100 + \$250 cleaning deposit
Overnight Camping (full refund to non-profit groups having prior approval for canyon conservation/cleanup)	\$15/vehicle
Overnight RV Full Hookup (water is non-potable)	\$30/night
Overnight R.V. Electric Only Hookup	\$20/night
Pavilion	
County Resident	\$100/day + \$250 cleaning deposit
Non-County Resident	\$150/day + \$250 cleaning deposit
Season Pass (1-Canyon) for Day Use Only (does not include camping)	\$35
Season Pass (2-Canyon) for Day Use Only (does not include camping)	\$50

GENERAL PROVISIONS

Senior Season Pass (2-Canyon) for Day Use Only (60+ years of age - must show valid ID with DOB)	\$25
Disabled Veteran Season Pass (2-Canyon) for Day Use Only (Present proof of county residency, proof of honorable discharge, and proof of service-related disability of 50% or more to county auditor's office. Pass is good for up to 7 additional people in same vehicle.)	\$0

(7) **GIS:**

Maps, Plats, Oversized Prints		See subsection (14)	
GIS Analyst Support		\$100/hour, rounded up to the nearest one-half hour	
GIS Parcel Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$500 \$100	Private
GIS Parcel Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$1,000 \$200	Commercial
GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$500 \$100	Private
GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$1,000 \$200	Commercial
Includes: Parcel ID, Ownership, Agency, Admin, Name, Situs Address, Mailing Address, Acres, Tax Area			
*** Additional (Available) Fields Negotiable ***			

(8) **Recorder:**

Recording Fees	Per Utah Code § 17-21-18.5
Copies	
Any Recorded Document	\$2/page
Computer Printouts	\$2/page
Maps, Plats, Oversized Prints	See subsection (14)
Bulk Data	10¢ per field, per record (\$75 minimum charge)
Note: Recorder reserves the right to define and/or limit fields and/or records. If file is too large to email, requestor may provide data storage device or, at the time of order, request data be transferred to an alternate medium at the fee provided in Paragraph (11). Mailing costs may also apply.	
Bulk Document Download	75¢/image (\$75 minimum charge)
Note: Price break given for digital images only. If file is too large to email, requestor may provide data storage device or, at the time of order, request data be transferred to an alternate medium at the fee provided in Paragraph (11). Mailing costs may also apply.	
Internet Public Property Record Access	
Daily Unlimited Access	\$5
Monthly Unlimited Access	\$75
Annual Unlimited Access	\$750

(9) **Roads:**

Excavation Permit	
Asphalt	80¢/square foot
Curb and Gutter	\$20/lineal foot
Extensions	\$50/extension

GENERAL PROVISIONS

Gravel Road or Shoulder	50¢/square foot
Inspections	\$200/week
Obtaining Permit Only After Issuance of Stop Work Order	200% of regular fee
Power Poles and Anchors	\$50 each
Re-inspections	\$50 each
Sidewalk	\$1/square foot

(10) **Solid Waste:**

Landfill	
Animals	\$42/ton (\$3 minimum)
Construction/Demolition Debris (sheetrock, wood, dirt, shingles, concrete, etc.)	\$7.50/cubic yard
Household (food, clothes, furniture, books, toys)	\$13/load
Industrial/Manufacturing Waste	\$7.50/cubic yard
Metal	\$0
Municipal Solid Waste, Commercial	\$42/ton, \$15 minimum
Municipal Solid Waste, Residential	\$42/ton, \$15 minimum
Tires (limit 4 per day)	\$2.50/tire
Yard Waste (green waste only - grass, weeds, leaves, twigs, brush, shrubs, etc.)	\$7/load
Yard Waste - Large (green waste only, 4+ yard loads)	\$20/load
Note: Unsecured loads will be charged double the regular gate fee.	
Trash Collection (billed quarterly)	
One Can	\$45/three months
Each Additional Can	\$33/three months
Set-Up Fee (new accounts)	\$60
Activation Fee for Additional Can	\$30
Reconnect Fee	\$25
Miscellaneous Fees	
Return Check Fee	\$25
Late Payment Fee	\$50
The following items are generally available for purchase: plywood, firewood, mulch, wood boards, and wood chips. Please call the Solid Waste Department or check the county website for current pricing.	

(11) **Surveyor:**

Filing Record of Survey Maps	\$30/page
Maps, Plats, Oversized Prints	See subsection (14)
Monument Inspection Fee (Non-Refundable)	\$200/monument
Permit to Perform Construction Work Within 30 Feet of Survey Monument	\$400/monument (up to \$250 refundable)
Plat Submittal (Mathematical Verification & Review)	\$300/plat + \$75/lot

(12) All county offices and departments, unless specified differently above:

Audio Tapes	\$5
Certification	\$5
Credit Card Service Fee	up to 3% of transaction amount
Digital Media	
CD	\$5
DVD	\$5
Mailing Charge	Actual cost
Maps, Plats, Oversized Prints	See subsection (14)
Notary	\$5/signature
Photocopies	

GENERAL PROVISIONS

First Page	\$1
Each Additional Page	25¢
Print Parcel Abstract	\$2/page
Record in a Form Other Than That Normally Maintained	Compilation time x wage
Return Check Fee	\$25
Screen Print	\$2/page
Screen Print Abstract	\$2/page

(13) Certain fees are established by state statute or state administrative rule. All such fees are adopted, even if they contradict fees established in this chapter.

(14) Fees for maps, plats and oversized prints.

BASIC LINE MAP (Basic Plat with Parcel Lines/Streets/Labels or Existing Maps with No Updates)				
Map Size	Height	Width	Regular Paper	Photo Paper
8.5 x 11	8.5"	11"	\$2	NA
8.5 x 14	8.5"	14"	\$2	NA
11 x 17	11"	17"	\$2	NA
12 x 18	12"	18"	\$3	\$6
18 x 18	18"	18"	\$4	\$9
18 x 24	18"	24"	\$5	\$10
24 x 36	24"	36"	\$10	\$25
36 x 36	36"	36"	\$15	\$35
36 x 48	36"	48"	\$20	\$45
42 x 60	42"	60"	\$25	\$65

(Ord. 2021-29, 6/15/21; Ord. 2020-10, 3/31/20; Ord. 2019-11, 5/7/19; Ord. 2017-01, 1/17/17; Ord. 2013-09, 4/16/13; Ord. 2013-05, 3/19/13; Ord. 2012-24, 12/20/12; Ord. 2012-19, 9/18/12; Ord. 2011-15, 11/1/11; Ord. 2011-10, 5/17/11; Ord. 2010-06, 3/2/10; Ord. 2009-26, 10/6/09; Ord. 2007-03, 2/6/07; Ord. 2006-29, 10/10/06; Ord. 2006-28, 10/3/06; Ord. 2006-17, 6/20/06; Ord. 2006-14, 4/11/06; Ord. 2005-27, 10/18/05; Ord. 2005-26, 10/11/05; Ord. 2005-13, 4/19/05)

1-6-4. Local option highway construction and transportation corridor preservation fee.

(1) The county hereby imposes a local option highway construction and transportation corridor preservation fee of \$10 on each motor vehicle registration within the county.

(2) At the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee.

(3) The following are exempt from the fee required under Subsection (1):

(a) a motor vehicle that is exempt from the registration fee under Utah Code Section 41-1a-1209 or Subsection 41-1a-419(3);

(b) a commercial vehicle with an apportioned registration under Utah Code Section 41-1a-301; and

(c) a motor vehicle with a Purple Heart special group license plate issued in accordance with Utah Code Section 41-1a-421.

(4) The revenue generated under this section shall be distributed in accordance with Utah Code Section 41-1a-1222.

(5) The effective date for the fee shall be on July 1, 2009. (Ord. 2009-14, 4/7/09)

1-6-5. Inmate processing fee.

(1) Each time a person is booked (or booked and released) into the Tooele County Detention Center, they will be charged an inmate processing fee of \$20.00.

(2) The inmate processing fee shall not apply and/or may be waived by the Tooele County Sheriff in the following circumstances:

(a) The inmate is being held for another agency for a per diem payment; or

(b) The inmate is being held for safekeeping for another agency.

(3) The inmate processing fee shall be collected before the inmate is released from the Tooele County Detention Center, or the fee shall be deducted from the inmate's trust account before any other fees are deducted.

(4) Any person who is directed by any court to be booked and released from jail shall pay the fee prior to being admitted into the detention center for processing.

GENERAL PROVISIONS

(5) Any person who is found not guilty by the court may receive a refund of their booking fee, with proof from the court of the not guilty verdict. (Ord. 2021-29, 6/15/21; Ord. 2011-11, 6/7/11)

CHAPTER 7

PERSONNEL POLICIES AND PROCEDURES

Section

1-7-1. Adoption of personnel policies and procedures.

1-7-1. Adoption of personnel policies and procedures.

The council shall adopt written personnel policies and procedures relating to all county employees. (Ord. 2021-06, 2/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 8

PROCUREMENT

Section

1-8-1. Purpose.

1-8-2. Approval.

1-8-3. Competitive bid requirements.

1-8-4. Emergency procurements.

1-8-5. Purchase of real property.

1-8-1. Purpose.

The purpose of this chapter is to establish standards and guidelines for the acquisition of supplies, materials, equipment and services for Tooele County. The provisions of this chapter are intended to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or who wish to deal with the county in the procurement process. (Ord. 2021-03, 1/19/21; Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-2. Approval.

- (1) For procurements less than \$5,000, prior authorization shall be obtained from:
 - (a) the department head or elected official; and
 - (b) the auditor.
- (2) For procurements between \$5,000 and \$25,000, prior authorization shall be obtained from:
 - (a) the department head or elected official;
 - (b) the auditor; and
 - (c) the county manager.
- (3) For procurements greater than \$25,000, prior authorization shall be obtained from:
 - (a) the department head or elected official;
 - (b) the auditor; and
 - (c) a majority of the council.
- (4) Any person who commits or expends county funds for a procurement that does not comply with the provisions of this chapter may be held personally responsible for the payment of the unauthorized procurement, however, it shall not constitute a criminal offense to fail to comply with the provisions of this chapter.
- (5) The auditor may only decline to authorize a procurement if:
 - (a) the procurement does not comply with the provisions of this chapter; or
 - (b) funds for the procurement are not within the budget of the procuring department or office.
- (6) If the auditor declines to authorize a procurement, the auditor's decision may be placed on the council agenda for override by a majority vote of the council.
- (7) Procurements shall not be artificially divided to avoid the requirements of this section.

GENERAL PROVISIONS

(8) The provisions of this section do not apply to recurring routine expenses within the budget of the procuring department or office. (Ord. 2021-03, 1/19/21; Ord. 2019-02, 3/19/19; Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-3. Competitive bid requirements.

(1) When a procurement is expected to be between \$5,000 and \$75,000, the department head or elected official shall, under the direction of the auditor, obtain three bids or proposals for the item or service to be procured, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the department head or elected official and the auditor and shall be maintained as official county records. Said records shall include the name of the person or firm the bid or proposal was obtained from, the date of the bid, the name of the person who gave the bid, the item or service bid on, and the bid amount.

(2) When a procurement is expected to be greater than \$75,000, the department head or elected official shall prepare written specifications for said procurement and shall have said specifications approved by the manager prior to obtaining bids or proposals. The written specifications for said procurement shall be publicly advertised for sealed bids unless the council waives this requirement.

(3) When the council does not require public advertisement for sealed bids, the department head or elected official shall either:

- (a) obtain at least three written bids or proposals from separate sources; or
- (b) obtain one written bid utilizing the State's Cooperative Contracts program.

(4) The person or firm who submits the lowest bid or proposal that meets the approved specifications shall be awarded the bid, unless the council authorizes the acceptance of another bid or proposal that it determines to be in the county's best interest. A summary of the bids or proposals received shall be submitted with each purchase order.

(5) This chapter does not excuse compliance with additional requirements of state law, if any.

(6) For procurements greater than \$100,000, the auditor shall consult with the county attorney prior to authorizing the procurement.

(7) Except as provided in (3)(b), the council will not generally permit a sole source procurement of a particular item or service if there is more than one potential bidder or offeror for that item or service. The council may waive the foregoing bid procedures only if it determines that there is only one source that can meet the procurement requirements, or if the service to be acquired is professional or technical services where unique skills and expertise are indicated. For procurements greater than \$50,000, foregoing the bidding process may only be accomplished by a majority vote of the council.

(8) "Professional or technical service" means labor, effort, or work that requires an elevated degree of specialized knowledge and discretion, including labor, effort, or work in the fields of:

- (a) accounting;
- (b) information technology;
- (c) law;
- (d) medicine;
- (e) psychiatry; or
- (f) underwriting.

(9) Procurements shall not be artificially divided to avoid the bid requirements of this section.

(10) All documents required by this section shall be delivered to the auditor to be maintained as official county records. Such documents include, but are not limited to, bids, proposals, invoices, and contracts. (Ord. 2021-04, 2/2/21; Ord. 2021-03, 1/19/21; Ord. 2019-02, 3/19/19; Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-4. Emergency procurements.

(1) An emergency condition is defined as a situation that creates a threat to public health, welfare, or safety, such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reasons as may be determined by a majority of the council and an affected department head or elected official. The existence of such a condition must create an immediate and serious need for supplies, materials, equipment, services, or construction that cannot be met through normal procurement methods.

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(2) A majority of the council and an affected department head or elected official may authorize emergency procurements for those supplies, materials, equipment, services, or construction items necessary to meet an emergency without complying with the foregoing provisions, provided that said expenditures are not beyond the budget for the affected department or office. After an emergency procurement is made, the majority of the council and the affected department head or elected official shall submit a written statement to the auditor stating the basis of the emergency procurement and such other details as are necessary to process the procurement. (Ord. 2021-03, 1/19/21; Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-5. Purchase of real property.

- (1) All offers by the county to purchase real property shall be subject to council approval prior to closing.
- (2) The council may not approve the purchase of real property until:
 - (a) the following information has been publicly disclosed in at least one prior council meeting and published in a local newspaper:
 - (i) a description of the parcel;
 - (ii) the location of the parcel;
 - (iii) the name(s) of the proposed seller(s); and
 - (iv) the proposed purchase price;
 - (b) at least 14 days have passed since the public disclosures were first made; and
 - (c) a public hearing has been held. (Ord. 2021-13, 3/2/21; Ord. 2015-09, 3/17/15; Ord. 2008-10, 3/25/08; Ord. 98-7, 2/18/98)

CHAPTER 9

MANAGEMENT OF COUNTY PROPERTY

Section

1-9-1. Property management and inventory policy.

1-9-2. Repealed.

1-9-1. Property management and inventory policy.

- (1) Department heads and elected officials shall be responsible for all supplies, materials, equipment and other personal property possessed by or used in their respective departments or offices.
- (2)
 - (a) Non-consumable supplies, equipment, materials and other personal property having an initial value greater than \$200 shall be specified on an inventory roster.
 - (b) Non-consumable supplies, equipment, materials and other personal property having an initial value less than \$200 shall be included on the roster if required by the auditor.
 - (c) The roster shall be maintained by each department head or elected official and the auditor.
 - (d) For property having an initial value between \$200 and \$5,000, the roster shall be updated and physically verified in January of every even numbered year. For property having an initial value greater than \$5,000, the roster shall be updated and physically verified in January of every year. The roster shall also be updated and physically verified when a new department head or new elected officer is installed.
 - (e) Property may be removed from the roster if it has been declared surplus and disposed of, or if its removal is authorized by the department head or elected official and the auditor.
- (3) The county clerk shall be responsible, under the direction of the council, to hold, manage, lease and insure all county real property and improvements. (Ord. 2021-06, 2/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-9-2. Repealed. (Ord. 2021-06, 2/16/21; Ord. 96-9, 5/7/96)

GENERAL PROVISIONS

CHAPTER 10

DISPOSAL OF SURPLUS PROPERTY

Section

1-10-1. Purpose.

1-10-2. Definitions.

1-10-3. Disposal of surplus real property.

1-10-4. Disposal of surplus personal property.

1-10-1. Purpose.

This purpose of this chapter is to govern the disposal of county property. (Ord. 2021-06, 2/16/21; Ord 2003-39, 12/9/03)

1-10-2. Definitions.

As used in this chapter:

- (1) “Assessed value” means the most recent market value determined by the county assessor.
- (2) “County property” means real property owned by the county, and personal property owned or possessed by the county that has a present fair market value greater than \$100. “County property” does not include county IT equipment, firearms and ammunition, property held as evidence, and property held for forfeiture.
- (3) “Presumptive assessed value” means the market value of unassessed or under-assessed real property, as determined by the assessor based on the most recent assessor land guide.
- (4) “Significant parcel of real property” means real property owned by the county that has an assessed value or presumptive assessed value greater than \$100,000.
- (5) “Surplus property” means real or personal property owned or acquired by the county that: is no longer being used by the county; is no longer usable by the county; is out of date; is damaged and likely cannot be repaired at a cost less than the property’s expected fair market value after repair; has exceeded its expected life span; or is no longer needed to fulfill the respective department’s or office’s responsibilities. (Ord. 2021-06, 2/16/21; Ord. 2016-09, 7/19/16)

1-10-3. Disposal of surplus real property.

- (1) Only the council may declare county real property as surplus real property and authorize the disposal thereof.
- (2) The method used to dispose of surplus real property, or any interest therein, shall be at the council’s discretion, and may be by public sale, private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade, public auction, public advertisement for open or sealed bids, or any other lawful means.
- (3) Disposition of surplus real property shall be for present fair market value.
 - (a) For significant parcels of real property, present fair market value is equal to the average of two appraised values, each of which is based upon fair market value and calculated by an independent and properly licensed appraiser;
 - (b) For all other parcels of real property, present fair market value is equal to the assessed value or presumptive assessed value of the property.
- (4) The council may not vote to dispose of a significant parcel of real property until:
 - (a) the following information has been publicly disclosed in at least one prior council meeting and published in a local newspaper:
 - (i) a description of the parcel;
 - (ii) the location of the parcel;
 - (iii) the name of the proposed purchaser(s); and
 - (iv) the proposed purchase price;
 - (b) at least 14 days have passed since the public disclosures were first made; and
 - (c) a public hearing has been held.
- (5) Title to surplus real property shall be conveyed or transferred as it was received by the county, unless otherwise agreed or otherwise required by law.
- (6) A purchaser for cash shall tender 10% of the purchase price immediately upon the council’s approval of the purchase. Closing must then occur within 30 days or such other time as authorized by the council. The balance of the purchase price is due at closing. If the purchaser fails to timely complete the purchase as provided herein, the county may retain funds sufficient to pay for damages caused by the purchaser’s failure, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain.

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Remaining funds, if any, shall be returned to the purchaser within a reasonable time. (Ord. 2021-06, 2/16/21; Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2003-39, 12/9/03)

1-10-4. Disposal of surplus personal property.

- (1) With the approval of the auditor and the manager, department heads and elected officials may declare personal property as surplus and dispose of such property.
- (2) Surplus personal property that is neither traded nor exchanged shall be disposed of in the following manner:
 - (a) the department head or elected official and the auditor shall determine the present fair market value of the property;
 - (b) the property shall be offered to other county departments and offices free of charge for a period of two weeks;
 - (c) if no other county department or office acquires the property pursuant to subsection (2)(b), the property shall be offered to other governmental entities within Tooele County at present fair market value for a period of two weeks;
 - (d) if no governmental entity acquires the property pursuant to subsection (2)(c), the property shall be consigned to a public auction for a minimum of two weeks;
 - (e) if the property is not sold pursuant to subsection (2)(d), the property may be destroyed or donated free of charge to any person or entity.
- (3) A purchaser of surplus personal property shall immediately tender the entire purchase price.
- (4) Funds obtained from the disposition of surplus personal property shall be placed in the appropriate sale of fixed assets account and may later be reallocated to the originating department or office by the council. (Ord. 2021-06, 2/16/21; Ord. 2016-10, 9/20/16; Ord. 2016-09, 7/19/16)

CHAPTER 11

COUNTY RECORDS ACCESS AND MANAGEMENT

Section

- 1-11-1. Definitions.**
- 1-11-2. Adoption of GRAMA.**
- 1-11-3. Records requests.**
- 1-11-4. Fees.**
- 1-11-5. Appeal process.**
- 1-11-6. Records officer and records representatives.**
- 1-11-7. Records maintenance and disposal.**
- 1-11-8. Responsibility for county records.**
- 1-11-9. Access to records maintained in non-written formats.**
- 1-11-10. Justice court records.**

1-11-1. Definitions.

As used in this chapter:

- (1) "GRAMA" means the Utah Government Records Access and Management Act. (Ord. 2021-22, 4/20/21; Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-2. Adoption of GRAMA.

GRAMA establishes records management practices including the classification of, access to, and retention of, government records. Except as supplemented by this chapter, the council adopts the provisions of GRAMA. However, if the provisions of this chapter differ from GRAMA, the provisions of this chapter govern. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-3. Records requests.

A person making a request for a record shall submit to the records officer a completed GRAMA Request Form. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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1-11-4. Fees.

A county agency may charge a reasonable fee to cover the actual cost of providing a record consistent with GRAMA and the fee schedule contained in Title 1, Chapter 6 of this Code. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-5. Appeal process.

(1) Any person aggrieved by a response to a records request may, within 30 days after the date of the response, appeal to the manager by filing a written notice of appeal with the records officer. The notice of appeal shall contain: the appealing person's name, address, email address and phone number; the relief sought; a concise statement of the facts, reasons, and legal authority for the appeal; and copies of the request, the response, and any correspondence regarding the request between the requester, the agency and the records officer.

(2) If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the records officer shall send a copy of the notice of appeal to the affected person or entity.

(3) In the absence of an agreement by the parties to extend the time for decision, the manager shall issue a written decision within 10 days after receipt of the notice of appeal. Failure of the manager to issue a timely decision constitutes an affirmance of the response.

(4) While the appeal is pending, the manager may request additional information or conduct an informal hearing. If an informal hearing is held, the following persons shall be given the opportunity to participate: the requester; a representative of each department or office to which the request was directed; the records officer; a representative of any entity that claims the requested record is subject to business confidentiality; and any person who claims a privacy right in the requested record.

(5) The manager's decision shall include the reason(s) for the decision and a statement that any aggrieved participant may, within 30 days of the date of the decision, appeal the decision to the State Records Committee or seek judicial review in the district court. A copy of the decision shall be sent to all participants. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-6. Records officer and records representatives.

(1) The manager shall appoint a records officer to oversee and coordinate records access and management. The records officer shall make annual reports to the council.

(2) The records officer shall, on an annual basis, successfully complete online training and obtain certification from state archives as required by state law.

(3) Each county agency shall designate a records representative to assist with and be responsible for the implementation of this chapter in that agency. The records officer shall provide regular training to records representatives.

(4) The records officer shall develop records maintenance procedures to ensure that due care is taken to maintain and preserve county records safely and accurately. The records officer shall monitor 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. The records officer shall develop and implement policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-7. Records maintenance and disposal.

(1) All county records that constitute an intellectual property right shall remain the property of the county unless federal or state law requires otherwise. All other county records shall be the property of the State of Utah. Ownership of county records may not be permanently transferred from the county to any private individual or entity. This prohibition does not prohibit the distribution of copies of records under GRAMA or this chapter. All records disposals shall be conducted in accordance with state law.

(2) At the expiration of their respective terms of office, appointment or employment, custodians of county records shall deliver custody and control of all county and state records in their possession to their successor or supervisor or the records officer.

(3) All records possessed by a county agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the records officer. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

GENERAL PROVISIONS

1-11-8. Responsibility for county records.

Each county agency shall receive, store and preserve its records so as to maintain the records accurately and safely in compliance with GRAMA and this chapter. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-9. Access to records maintained in non-written formats.

(1) The county may use non-written formats for the storage, retention and retrieval of county records, including but not limited to, audiotapes, videotapes, microfilms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems.

(2) Records representative or the records officer may determine the methods allowed to access records maintained in non-written formats. Such methods may include, but are limited to, the following:

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

(b) providing paper or "hard" copies of records;

(c) providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data; or

(d) where appropriate, using remote terminals that have access to county computer, data processing or electronic information system pursuant to a formal two-party contract permitting such remote terminal access, provided that due regard shall be exercised to ensure that non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged.

(3) Computer software programs are not records and are not subject to disclosure. (Ord. 2021-19, 3/16/21; Ord. 2019-19, 10/1/19; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-10. Justice court records.

The maintenance of and access to justice court records is governed by Chapter 4, Article 2 of the Code of Judicial Administration. (Ord. 2021-19, 3/16/21; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 12

EMERGENCY INTERIM SUCCESSION PROCEDURES (REPEALED AND RELOCATED TO TITLE 16, CHAPTER 3)

(Ord. 2021-14, 3/2/21; Ord. 2019-21, 10/29/19; Ord. 2017-07, 3/21/17; Ord. 2012-21, 10/16/12; Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

CHAPTER 13

REPEALED

(Ord. 97-10, 5/24/97)