

TITLE 1
GENERAL PROVISIONS

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CHAPTER 1

ORDINANCES

Section

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1-1-1. Repeal of existing ordinances.

The ordinances contained in this title and in the titles which follow, whether previously adopted as a provision consistent herewith or to be adopted, shall be known as the **“Tooele County Code”** and so far as their provisions are the same in effect as those of previously existing ordinances they shall be construed as continuations thereof; but, subject to the preceding limitations and the provisions of Section 1-1-2, all ordinances of this County heretofore in force, except as such are of a private, local, or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments, are hereby repealed. Such ordinances as are adopted are hereafter a part of this revision and shall repeal existing ordinances on the same subject but not until such ordinances as are adopted shall become effective. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-2. Effect of repealing ordinances.

The repeal of the ordinances as provided in Section 1-1-1, shall not affect any act done, or any right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance hereto repealed or superseded. This recodification, however, shall in no wise affect the Zoning and Subdivision Ordinances of Tooele County, as amended, each of which shall remain in full force and effect as separate Tooele County Ordinances. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-3. Citation.

This recodification shall be known as the **“Tooele County Code.”** Any provision of State law or uniform code adopted by reference in this code shall be cited by adding the number of the title of this code in front of the section

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number assigned in the State or uniform code. For example, Section 76-6-404 of the Utah Code adopted by reference in Title 6 of this code would be cited as "Section 6/76-6-404," of the Tooele County Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-4. Effective date.

The "Tooele County Code" shall take effect on September 1, 1992. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-5. Penalty for violation of an ordinance.

Whenever no other penalty is prescribed, any person found guilty of violating any provision of any Tooele County Code provision presently in effect shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-6. Definitions and rules for construction of ordinances.

In the construction of these revised ordinances, and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners, or repugnant to the context of the ordinance.

- (1) Mere language changes are not intended to reflect changes in the substance or meaning of the ordinances.
- (2) The singular number includes the plural.
- (3) Words used in the present tense include the future.
- (4) Words used in the masculine gender comprehend, as well, the feminine and neuter.
- (5) The term "**Board of Health**" is the Tooele County Board of Health.
- (6) The term "**business**" is any activity, operation, enterprise or calling referred to in this ordinance for which a license is required.
- (7) The term "**Commission**" is the Board of County Commissioners of Tooele County, Utah.
- (8) The word "**County**" or the term "**Tooele County**" may be construed to mean the portions of Tooele County, Utah, outside the limits of incorporated cities or towns therein, and shall include the entire County when the context requires such an interpretation.
- (9) The term "**County Assessor**" is the County Assessor of Tooele County, Utah.
- (10) The term "**County Attorney**" is the County Attorney of Tooele County, Utah.
- (11) The term "**County Auditor**" is the County Auditor of Tooele County, Utah.
- (12) The term "**County Clerk**" is the County Clerk of Tooele County, Utah.
- (13) The term "**County Recorder**" is the County Recorder of Tooele County, Utah.
- (14) The term "**County Sheriff**" is the County Sheriff of Tooele County, Utah.
- (15) The term "**County Surveyor**" is the County Surveyor of Tooele County, Utah.
- (16) The term "**County Treasurer**" is the County Treasurer of Tooele County, Utah.
- (17) The words "**highway**" and "**road**" include public bridges, and may be held equivalent to the words "**County way**," "**County road**," "**common road**," "**state road**." They may also include sidewalks or crosswalks.
- (18) The term "**knowingly**" imports only a knowledge that facts exist which bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.
- (19) The term "**maliciously**" or "**malice**" imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.
- (20) The word "**owner**" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.
- (20) The term "**person**" includes bodies politic and any individual, partnership, association, corporation or group of individuals, however styled or designated.
- (21) The word "**street**" includes alleys, lanes, courts, boulevards, public squares, public places and sidewalks or crosswalks.
- (22) The word "**tenant**" or "**occupant**" applied to a building or land shall include any person who occupies the whole or any part of such building either alone or with others.
- (23) The term "**willfully**" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-7. Liability of employers and agents for violation of ordinances.

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

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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. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-8. Penalty.

(1) Except as provided hereafter, if the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be unlawful, or is described as a misdemeanor or a class B misdemeanor, or is otherwise prohibited, the act shall be punishable by a fine in an amount not exceeding \$1,000 or by imprisonment in the County jail for a period of time not exceeding six months, or by any combination of the fine and imprisonment.

(2) If the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be a class C misdemeanor, the act shall be punishable by a fine in an amount not exceeding \$500 or by imprisonment in the County jail for a period of time not exceeding 90 days, or by any combination of the fine and imprisonment.

(3) If the performance of any act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be an infraction, the act shall be punishable by a fine in an amount not exceeding \$500. No imprisonment shall be imposed for an infraction.

(4) When no penalty is prescribed, any person convicted of violating any provision or provisions of this code, or ordinances hereafter enacted as a part of this code, shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-9. Severability.

The Board of County Commissioners of Tooele County, Utah, hereby declares that said Board would have passed these recodified ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional, void or unlawful. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

THE BOARD OF COUNTY COMMISSIONERS

Section

1-2-1. County commission - Number -Eligibility.

1-2-2. Term of office.

1-2-3. Vacancies - How filled.

1-2-4. Powers and duties - Omnibus provision.

1-2-5. Departments.

1-2-6. Meetings - Procedure.

1-2-7. Special meetings.

1-2-8. Chairman - Quorum - May administer oaths.

1-2-1. County commission - Number - Eligibility.

The Tooele County Commission shall consist of three members, each of whom shall have been an elector of the County for at least one year immediately preceding the election and elected by the qualified electors of the County at large. (§17-5-2, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-2. Term of office.

(1) County Commissioners shall:

(a) be elected for a four-year term at the general election before the expiration of the term of office of incumbents; and

(b) hold office for the term for which elected and until a successor is elected and has qualified.

(2) (a) Whenever two County Commission positions are vacant for a general election, they are designated "County Commissioner A" and "County Commissioner B."

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(b) At the time a candidate for the County Commission files a declaration of candidacy for a County Commission position when there are two positions vacant, he shall designate on the declaration of candidacy form whether he is a candidate for County Commissioner A or County Commissioner B.

(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two County Commission positions in one general election.

(3) County Commissioners-elect shall take office on the first Monday in January following their election. (§17-5-3, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-3. Vacancies - How filled.

When a vacancy occurs in the Board of County Commissioners through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as follows:

(1) If two years remain on the unexpired terms as of the first Monday in January next and 30 days or more remain before the general election, or if such office shall be vacant by the first Monday of January next due to a certified written resignation submitted when 30 days or more remain before the general election, then the vacancy for the unexpired term shall be filled under the provisions of Sections 20-4-9 and 20-4-11.5, U.C.A., except that the vacancy shall be filled in the interim period by appointment according to the provisions of Subsection (2) below.

(2) If such vacancy occurs when fewer than 30 days remain before the general election, then the vacancy shall be filled by the board by appointment from a list of at least six persons who have been endorsed in writing by the County Central Committee of the party to which the person belonged who occasioned the vacancy. Should the board fail to make the appointment within 30 days after the vacancy occurs, the Clerk shall notify the Governor of the fact, and the Governor shall, within 30 days after receipt of a notice, fill the vacancy by appointment from the aforementioned list. If at any time there shall not be a majority of the Board remaining in office, the Governor shall appoint one or two Commissioners, as the case may be, from the list or lists, until there shall be a majority, and the majority shall select the third Commissioner as herein provided. Appointees shall hold office for the unexpired term for which appointed or until a successor is elected and has qualified. (§17-5-4, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-4. Powers and duties - Omnibus provision.

The County Commission may supervise the official conduct of all County officers and officers of all precincts, districts and other subdivisions of the County (except municipal corporation); see that they faithfully perform their duties, direct prosecutions for delinquencies and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection. The Commission shall have such other powers and duties as are prescribed by law. (§17-5-19, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-5. Departments.

Each Commissioner shall have the supervision of such departments and boards of County government as lend themselves to joint classification and each department or board shall bear such title and designation as the Board of County Commissioners shall from time to time devise, provided, that said title shall, as nearly as possible, represent the true nature of those functions performed by the officers and employees of such department or board. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-6. Meetings - Procedure.

The Board of County Commissioners of Tooele County, State of Utah, shall hold its regular public meetings at seven o'clock p.m. on the first and third Tuesdays of each month during the year in the Commission Chambers in the Tooele County Courthouse, Tooele, Utah. The time of any meetings may be changed or altered to any other time by the vote of at least two members of the said Board, duly entered into the minutes of any preceding meeting thereof. Any regularly scheduled meeting may be canceled in advance by the Chairman of the board in the event there will be no business to transact, when it is known in advance a quorum cannot be obtained, or for other good cause. The Chairman shall preside at all meetings of the Board of County Commissioners and shall rule on all matters of procedure, with fundamental fairness and an opportunity to be heard as the controlling rationale. No action of the Board shall be taken without a motion and a second. The Chairman is authorized to make a motion or second any motion. An affirmative vote of two Commission members shall be required to pass any action. (Ord. 2013-07, 4/2/13; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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1-2-7. Special meetings.

If at any time the business of the County requires a special meeting of the Board, such meeting may be ordered by a majority of the Board or by the Chairman thereof. The order must be signed by the members or Chairman calling such meeting and must be entered in the minutes of the Special Board Meeting. Five days' notice of such meeting must be given by the Clerk to the members not joining in the order. The order must specify the business to be transacted at such meeting, and none other than that special meeting unless all the members are present and consent thereto. (§17-5-7, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-8. Chairman - Quorum - May administer oaths.

The County Commissioners shall elect one of their number to serve as Chairman. The Chairman shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as Chairman temporarily. Any member of the board may administer oaths to any person when necessary in the performance of his official duties. Not less than two members shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless two members concur therein. (§17-5-5, U.C.A.). (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 3

COUNTY OFFICIALS - BOND

Section

1-3-1. General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.

1-3-2. Treasurer bond.

1-3-3. Repealed.

1-3-4. Repealed.

1-3-5. Bond premiums.

1-3-6. Approval of bond filing.

1-3-7. Repealed.

1-3-1. General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.

(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 amounts or required by State law, as follows:

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

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(3) If any of the offices listed are combined in accordance with 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 offices listed 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 County Legislative Body, recorded by the county recorder, 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 County Legislative Body.

(6) County officials and personnel of the county, except any officials who may be required by state statutes to give an individual bond or 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) As required by Section 17-16-11 of the Utah Code, the premium of any bond or theft or crime insurance referred to herein, shall be paid from county funds. (Ord. 2018-16, 11/30/18; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-2. Treasurer bond.

The County Treasurer shall execute an official bond in an amount prescribed by the Utah State Money Management Council. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-3. Repealed. (Ord. 2018-16, 11/30/18; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-4. Repealed. (Ord. 2018-16, 11/30/18; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-5. Bond premiums.

If Surety Company Bonds are taken to comply with the foregoing provisions, the premium for each such bond shall be paid out of County funds. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-6. Approval of bond filing.

The bonds and sureties of all County and precinct offices shall be approved by the Board of County Commissioners before the bonds are filed and recorded. All official bonds required by Sec. 1-3-1, Sec. 1-3-2, and Sec. 1-3-3 above shall be recorded in the office of the County Recorder and then filed and kept in the office of the County Clerk. The official bond of the County Clerk, after being recorded, shall be filed and kept in the office of the County Treasurer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-7. Repealed. (Ord. 2003-22, 12/16/03)

CHAPTER 4

COUNTY ELECTION DISTRICTS

Section

1-4-1. Tooele County voting district boundaries - Legal description.

1-4-2. Justice court precinct boundary - Legal description.

1-4-3. School district precincts boundaries - Legal description.

1-4-1. Tooele County voting district boundaries - Legal description.

(1) There are hereby established 27 Tooele County election districts. Such districts are described by the maps designated as Exhibits "A," "B," and "C," which are attached hereto and by this reference made a part hereof. The abbreviated designations for each district on the attached maps shall be interpreted according to the following legend, which establishes the full name of each Election District: T1 through T11 refers to Tooele Districts #1 through #11; G1

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through G4 refers to Grantsville Districts #1 through #4; LP refers to Lake Point; SP1 and SP2 refers to Stansbury Park; ER refers to Erda; LI refers to Lincoln; ST refers to Stockton; OP refers to Ophir; RV refers to Rush Valley; VE refers to Vernon; TE refers to Terra; DU refers to Dugway; IB refers to Ibapah; and WE refers to Wendover.

(2) The official census population figures, maps of the Bureau of Census of the United States Department of Commerce developed in connection with the taking of the 1990 National decennial census and census tracts compiled by the Tooele County Clerk and used as the basis for the formulation of these new election district maps shall be retained by the county clerk and shall serve as the indication of legislative intent in drawing the county's election district boundaries. (98-13, 6/11/98)

1-4-2. Justice court precinct boundary - Legal description.

There is hereby established a single justice court precinct in Tooele County known as the Tooele County Justice Court. The boundaries of which include all of Tooele County. (Ord. 2008-13, 6/10/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-4-3. School district precincts boundaries - Legal description.

There are hereby established the following Tooele County School District Precincts which are described by and include the Tooele County Voting Districts as set forth in Section 1-4-1, as follows:

(1) School District Precinct Number 1 shall consist of and include the following Tooele County Election Districts: Tooele #2 (T2), Tooele #3 (T3), Tooele #4 (T4) and Tooele #5 (T5).

(2) School District Precinct Number 2 shall consist of and include the following Tooele County Election Districts: Tooele #1 (T1), Tooele #8 (T8), Tooele #9 (T9), and Tooele #10 (T10).

(3) School District Precinct Number 3 shall consist of and include the following Tooele County Election Districts: Tooele #6 (T6), Tooele #7 (T7), Lakepoint (LP), Stansbury Park (SP), Erda (ER), and Lincoln (LI).

(4) School District Precinct Number 4 shall consist of and include the following Tooele County Election Districts: Grantsville #1 (G1), Grantsville #2 (G2), Grantsville #3 (G3), and Grantsville #4 (G4).

(5) School District Precinct Number 5 shall consist of and include the following Tooele County Election Districts: Stockton (ST), Ophir (OP), Rush Valley (RV), Vernon (VE), Terra (TE), Dugway (DU), Ibapah (IB), Tooele #11 (T11) and Wendover (WE). (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 5

GENERAL PLAN

Section

1-5-1. General plan.

1-5-1. General plan.

(1) In order to accomplish the purposes set forth in Utah Code 17-27-30 et seq., Tooele County has prepared and adopted a comprehensive general plan for:

(a) the present and future needs of the county; and

(b) the growth and development of the land within the county including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(2) All growth, development and land use shall comply with the general plan. (Ord. 95-27, 12/20/95)

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CHAPTER 6

FEES

Section

1-6-1. County Surveyor - Filing and permit fees.

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. County Surveyor - Filing and permit fees.

(1) For each survey map filed and indexed pursuant to the provisions of Sections 17-23-17, 17.5, or 18 of the Utah Code, the Tooele County Surveyor shall collect in advance the sum of \$30.00 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 County Surveyor. All moneys collected under this section shall be deposited with the County Treasurer to be credited to a Public Land Corner Preservation Fund, which shall be used only to pay expenses incurred and authorized by the County Surveyor in the establishment, re-establishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Chapter 23, Title 17 and Chapter 10, Title 57 of the Utah Code.

(2) As provided for in Section 17-23-14 of the Utah Code, Tooele County requires a permit to be obtained from the Tooele County 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 set at \$400 per monument. After completion of the construction work, if the government survey monument or public land survey government corner location is undisturbed, the Tooele County Recorder/Surveyor shall disperse a partial fee refund of \$250 to the permit holder. If the construction work disturbs the government survey monument or public land survey government corner location related to the permit:

(a) the permit holder is responsible for the necessary construction work and installation 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 for the permit holder's work described in Subsection 1-6-1(2)(a). A person may not perform any construction work within 30 feet of a government survey monument or public land survey government corner location unless the person obtains any permit the County requires before beginning construction work within 30 feet of the government survey monument or public land survey government corner location, together with any additional permits that applicable law may require. Tooele County establishes a civil penalty of \$1,000 for violation of this ordinance or of any provision of Utah State Code Section 17-23-14. Tooele County provides an exemption from the permitting requirement in the event of an emergency situation that poses a threat to public health or safety. (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)

1-6-2. Fees for municipal services.

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

- (a) fire 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 actual costs of materials, supplies and equipment used in providing such services. (Ord. 2001-39, 12/11/01)

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1-6-3. Officials' fees.

Pursuant to Utah Code Annotated 17-53-211, the following fees are hereby established for services provided by the corresponding county officer or department:

- (1) **Assessor:**
 - Assessment/Taxroll Roll \$435.00
 - Listing of Mobile Homes \$100.00
 - Photocopies:
 - First Page \$1.00
 - Each Additional Page 25¢
- (2) **Attorney:**
 - Digital Media (CD or DVD) \$10.00/case
 - Notary \$5.00/signature
 - Police Report (Up to 15 Pages) \$15.00
 - Each Additional Page \$1.00
- (3) **Auditor:**
 - May Tax Sale Administrative Fee on Advertised Property \$400.00
- (4) **Building and Development Services:**
 - Address Certificates \$25.00
 - Administrative Code Enforcement
 - 1st Offense Warning
 - 2nd Offense \$100.00/day
 - 3rd and All Subsequent Offenses \$250.00/day
 - Civil Citation \$25.00
 - Clean Up of Junk and Vehicles Actual Cost + Penalties
 - Sign or Building Abatement of Property Actual Cost + Penalties
 - Sign Removal from Public Property \$25.00
 - Department Copies and Maps
 - See Attached Exhibit "A" – Map Fees (Immediately Following Section 1-6-3)
 - Notary \$5.00/signature
 - Planning/Zoning
 - Agriculture Protection \$200.00
 - Amendment to General Plan \$275.00
 - Amendment to Plat Map \$250.00
 - Appeals to Appeal Authority \$250.00
 - Approval of Exchange \$200.00 per Property
 - Conditional Use Permit (C.U.P.) \$300.00
 - C.U.P. Temporary \$300.00
 - C.U.P. Amendment
 - (Administrative) 50% of Normal Fee
 - (Planning Commission) 50% of Normal Fee
 - C.U.P. (Mining, Quarry, Sand and Gravel Excavation) \$1,000.00
 - Annual Inspection Fee \$250.00
 - C.U.P. (Planned Unit Development Concept) \$500.00
 - C.U.P. (Planned Unit Development Preliminary) \$500.00
 - C.U.P. (Planned Unit Development Final) \$500.00
 - C.U.P. Day Care/Pre-School \$250.00
 - Annual Inspection Fee \$50.00
 - C.U.P. Home Occupation \$100.00
 - Annual Inspection Fee \$50.00
 - C.U.P. Home Occupation Amend. \$75.00
 - C.U.P. Temp. Construction Trailer. \$100.00
 - Copies of Digital Recordings \$10.00
 - Planning Commission Extension (Subdivision Applications or Conditional Use Permits) \$100.00
 - Professional Filming \$200.00

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County Building

Room Rental

Auditorium (1750 sq. ft.)	\$20.00/hour + \$500.00 deposit
Old Courtroom (990 sq. ft.)	\$20.00/hour + \$500.00 deposit
Old EOC Room (780 sq. ft.)	\$20.00/hour + \$500.00 deposit
Old Jail	\$200.00/four hours + \$500.00 deposit

Deseret Peak Complex

Hours of Operation (may vary seasonally):

Monday-Saturday, 7:00 a.m. to 9:00 p.m., and Sunday, 7:00 a.m. to 6:00 p.m.

Annual Fees

Horse Walker	\$150.00/year
Race Horse Track (Season Pass)	\$250.00/year

Aquatic Center

Daily Rate	\$4.00
Pavilion Rental	\$20.00 per hour + admission for all guests
Private Reservations (Up to 200 People)	
Weekdays (Sunday-Thursday)	\$150.00/hour + \$250.00 cleaning deposit
Weekends (Friday-Saturday)	\$200.00/hour + \$250.00 cleaning deposit
10 Punch Card	\$30.00
Swimming Lessons (8 lessons)	\$35.00/student
2 or more students	\$30.00/student

Archery Range	\$3.00/day (open shooting) \$200.00/day with stationary targets
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Arenas

Indoor Arena (Seating Capacity 1,200)

Hourly Arena Rental (3-hour minimum)	\$50.00/hour
Daily Arena Rental (includes one staff member with tractor working the arena all day)	\$500.00/day
Ticketed Event Charge (plus daily rental rate)	\$1.00/person
Tractor Rental (for hourly rental of arena with renter operating tractor)	\$75.00/day
Floor Rental	\$100.00
County Install of Flooring	\$2,000.00
Open Riding	\$10.00/day
Sound System	\$100.00

Outdoor Arena (Seating Capacity 2,500)

Hourly Arena Rental	\$50.00/hour
Daily Arena Rental (includes one staff member with tractor working the arena all day)	\$500.00/day
Ticketed Event Charge (plus daily rental rate)	\$1.00/person
Tractor Rental (for hourly rental of arena with renter operating tractor)	\$75.00/day
Open Riding	\$10.00/day
Sound System	\$100.00

Camping

RV – With Full Hookups	\$30.00/night
With Electric Hookups	\$15.00/night
With No Hookups	\$10.00/night

Convention Center

Deposit	\$500.00
Exhibit Hall	\$500.00
Flip Chart Stand	\$5.00
Kitchen	\$50.00
Overhead Projector	\$20.00
Podium with Sound	\$50.00
Screen	\$25.00

GENERAL PROVISIONS

Single Room	\$100.00
Stage – Large	\$110.00
Stage – Small	\$55.00
Tables & Chairs	included in rental fee
Ticketed Event Charge	\$1.00/person
TV/VCR/DVD	\$20.00
Wedding Rate	\$750.00
White Board	\$10.00
Heavy Equipment w/ Operator:	
Arena Tractor	\$35.00/hour
Backhoe	\$50.00/hour
Dozer	\$90.00/hour
Dump Truck	\$65.00/hour
Grader	\$90.00/hour
Loader	\$90.00/hour
Man Lift	\$50.00/hour with operator \$30.00/hour no operator
Skid Steer	\$35.00/hour
Water Truck	\$90.00/hour
Horse Stalls 12 x 12	\$15.00/day (shavings available upon request)
Horse Track	\$80.00/hour, \$800.00/day \$10.00/day (open riding)
Ticketed Event Charge (plus daily rental rate)	\$1.00/person
Motorized Arena (Seating Capacity 7,000)	\$500.00/event (price may vary depending on event requirements)
Ticketed Event Charge (plus daily rental rate)	\$1.00/person
Museum Admission	Donation
Parking Fee	\$1.00 to \$2.00/event
Pavilion (Livestock)	\$500.00/day + \$500.00 cleaning deposit
Personnel	\$35.00/hour
Pitch and Putt Golf Course	
10 Punch Pass	\$30.00
Club Rental	\$2.00
Green Fees	\$4.00
Season Pass	\$200.00
Rental – Chair	\$1.00 each
Rental – Table	\$10.00/day
Rental – Tent, 10' x 10' (renter pays city permit fees)	\$375.00
Rental – Portable Bleachers	\$400.00
<u>Grantsville Reservoir</u>	
Overnight Camping	\$15.00/night
<u>Middle Canyon</u>	
Day Use	\$3.00/vehicle
Overnight Camping	\$15.00/night
Group Campsite	
County Resident	\$125.00/night + \$250.00 cleaning deposit
Non-County Resident	\$150.00/night + \$250.00 cleaning deposit
Season Pass (1-Canyon) for Day Use Only (does not include camping)	\$35.00
Season Pass (2-Canyon) for Day Use Only (does not include camping)	\$50.00

GENERAL PROVISIONS

Ophir Canyon

Overnight Camping \$15.00/night

Settlement Canyon Recreation Area

Day Use \$3.00/vehicle

Group Campsite

County Resident \$125.00/night

Non-County Resident \$150.00/night

(plus \$1.00 for each additional person over 100)

+ \$250.00 cleaning deposit

Overnight Camping \$15.00/vehicle

(full refund to non-profit groups having prior approval for canyon conservation/cleanup)

Overnight R.V. Hookup \$30.00/vehicle

Pavilion

County Resident \$100.00/day

+ \$250.00 cleaning deposit

Non-County Resident \$150.00/day

+ \$250.00 cleaning deposit

Season Pass (1-Canyon) for Day Use Only (does not include camping) \$35.00

Season Pass (2-Canyon) for Day Use Only (does not include camping) \$50.00

(7) **GIS**

Department Copies and Maps

See Attached Exhibit "A" – Map Fees (Immediately Following Section 1-6-3)

GIS Analyst Support \$100.00/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	\$500.00 \$100.00	Private
GIS Parcel Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$1,000.00 \$200.00	Commercial
GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$500.00 \$100.00	Private
GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	\$1,000.00 \$200.00	Commercial
Includes: Parcel ID, Ownership, Agency, Admin, Name, Situs Address, Mailing Address, Acres, Tax Area			
*** Additional (Available) Fields Negotiable ***			

(8) **Recorder:**

Recording Fees – Charged according to Utah Code 17-21-18.5

Copies

Any Recorded Document, per Page \$2.00

Computer Printouts, per Page \$2.00

Plats and Maps

See Attached Exhibit "A" – Map Fees (Immediately Following Section 1-6-3)

GENERAL PROVISIONS

Bulk Data 10¢ per field, per record
 (\$75.00 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
 (\$75.00 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 \$5.00
 Monthly Unlimited Access \$75.00
 Annual Unlimited Access \$750.00

(9) Solid Waste:

Landfill

Animals \$42.00/ton (\$3.00 minimum)
 Construction/Demolition Debris (Sheet Rock, Wood, Dirt, Shingles, Concrete, Etc.) . . . \$7.50/cubic yard
 Household (Food, Clothes, Furniture, Books, and Toys) \$13.00/load
 Industrial/Manufacturing Waste \$7.50/cubic yard
 Metal No Charge
 Municipal Solid Waste, Commercial \$42.00/ton, \$15.00 minimum
 Municipal Solid Waste, Residential \$42.00/ton, \$15.00 minimum
 Tires (Limit of 4 per Day) \$2.50/tire
 Yard Waste (Green Waste Only – Grass, Weeds, Leaves, Twigs, Brush, Shrubs, Etc.) \$7.00/load
 Yard Waste – Large (Green Waste Only, 4+ Yards) \$20.00/load

Note: Unsecured loads will be charged double the regular gate fee, per Tooele County Code 7-1-13.

Trash Collection (Billed Quarterly)

One Can \$45.00/quarter year
 Each Additional Can \$33.00/quarter year
 Set-Up Fee (New Accounts) \$60.00
 Activation Fee for Additional Can \$30.00
 Reconnect Fee \$25.00

Miscellaneous Fees

Bad Check Fee \$25.00
 Late Payment Fee \$50.00

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.

(10) Surveyor:

Department Copies and Maps

See Attached Exhibit “A” – Map Fees (Immediately Following Section 1-6-3)

Filing Record of Survey Maps \$30.00/page
 Monument Inspection Fee (Non-Refundable) \$200.00/monument
 Permit to Perform Construction Work Within 30 Feet of Survey Monument \$400.00/monument
 (up to \$250 refundable per UCA 17-23-14)
 Plat Submittal (Mathematical Verification & Review) \$300.00/plat + \$75.00/lot

(11) All offices, unless specified differently above:

Audio Tapes \$5.00
 Certification \$5.00
 County Code \$45.00
 Credit Card Service Fee up to 3% of transaction amount

Digital Media:

CD \$5.00
 DVD \$5.00

GENERAL PROVISIONS

- Mailing Charge Actual cost
- Notary \$5.00/signature
- Photocopies:
 - First Page \$1.00
 - Each Additional Page 25¢
- Print Parcel Abstract \$2.00/page
- Department Copies and Maps
 - See Attached Exhibit “A” – Map Fees (Immediately Following Section 1-6-3)
- Record in a Form Other Than That Normally Maintained Compilation time x wage
- Return Check Fee \$20.00
- Screen Print \$2.00/page
- Screen Print Abstract \$2.00/page

(12) Fees for the county recorder, sheriff, and county constable as established by state statute or by resolution, are set forth in such documents. (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)

SECTION 1-6-3 EXHIBIT “A” MAP FEES					
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"	\$2.00	N/A
	8.5 x 14	8.5"	14"	\$2.00	N/A
	11 x 17	11"	17"	\$2.00	N/A
	12 x 18	12"	18"	\$3.00	\$6.00
	18 x 18	18"	18"	\$4.00	\$9.00
	18 x 24	18"	24"	\$5.00	\$10.00
	24 x 36	24"	36"	\$10.00	\$25.00
	36 x 36	36"	36"	\$15.00	\$35.00
	36 x 48	36"	48"	\$20.00	\$45.00
	42 x 60	42"	60"	\$25.00	\$65.00

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 Twenty Dollars (\$20.00).

GENERAL PROVISIONS

- (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.
- (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 (a plea in abeyance does not count as a not guilty plea). (Ord. 2011-11, 6/7/11)

CHAPTER 7

COUNTY PERSONNEL POLICIES AND PROCEDURES

Section

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

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

The Tooele County Commission shall adopt personnel policies and procedures relating to all Tooele County employees. Such policies or amendments thereto shall be in writing and shall be approved by a minute entry at a County Commission meeting. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 8

COUNTY PURCHASING POLICY AND PROCEDURES

Section

1-8-1. Purchasing policy.

1-8-2. Approval of purchases.

1-8-3. Competitive bid requirements.

1-8-4. Emergency purchases.

1-8-5. Repealed.

1-8-1. Purchasing policy.

The purpose of this chapter is to establish standards and guidelines for the acquisition of supplies, material, equipment, and services for Tooele County and its departments. This chapter is an effort to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or wish to deal with the County in the procurement process. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-2. Approval of purchases.

(1) Department Heads or Elected Officers may authorize the purchase of supplies, equipment, materials, or services for their department after obtaining prior approval from the Auditor or purchasing authority for amounts of less than \$5,000, provided said procurement is within the budget of said department.

(2) For purchases of \$5,000 to \$19,999, prior authorization shall be required by the responsible Department Head or Elected Officer, one County Commissioner, and the Auditor.

(3) For purchases of \$20,000 or more, prior authorization shall be required by the responsible Department Head or Elected Officer, three County Commissioners, and the Auditor. If all three County Commissioners do not authorize the purchase, the proposed purchase may be placed on the County Commission agenda for authorization by a majority vote of the Commission.

GENERAL PROVISIONS

(4) Any person who commits or expends County funds for purchases that do 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 said procedures or the provisions of this chapter.

(5) The County Commission, with approval of the County Auditor, may designate a purchasing authority who, under the general direction of the Auditor, will act as a purchasing agent for the County.

(6) Authorization of a purchase by the Auditor shall be limited to:

(a) a review of compliance with this chapter; and

(b) a review of whether the purchase is within the approved budget of the office or department.

(7) If the Auditor fails to grant authorization for a purchase, the proposed purchase may be placed on the County Commission agenda for authorization by a majority vote of the Commission. (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 purchase is made which is expected to be \$5,000 or more, but less than \$20,000, the Department Head or Elected Officer shall, under the direction of the Auditor or purchasing authority, obtain three (3) bids or proposals for the item or service to be purchased, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the Department Head or purchasing authority and kept as an official record of the County. Said official record 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 purchase is made which is expected to be \$20,000 or more, the Department Head or Elected Officer shall prepare written specifications for said procurement and have said specifications approved by the supervising County Commissioner for the respective office or department prior to obtaining bids or proposals. If the supervising County Commissioner is unavailable for more than five (5) days, another County Commissioner may approve the written specifications. The written specifications for said procurement should be publicly advertised for sealed bids, unless the County Commission waives this requirement.

(3) When the County Commission does not require public advertisement for sealed bids, the Department Head or Elected Officer shall obtain at least three written bids or proposals from separate sources.

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

(5) The contract price from the State of Utah's Cooperative Contracts, also known as the "State bid," is considered a "bid" to satisfy the requirements of this section.

(6) This chapter does not specify the additional requirements of Utah State Law for County purchases or other bidding requirements as from time to time may be required by Utah Law. For purchases in excess of \$100,000, the County Attorney shall be consulted by the Auditor to ensure compliance with this chapter prior to the Auditor's authorization.

(7) The County Commission will not generally permit a sole source procurement of a particular proprietary item if there is more than one potential bidder or offeror for that item or service. The County Commission 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 considered to be professional or technical services where unique skills and expertise is indicated. In the event that a purchase reaches a total of \$50,000, foregoing the bidding process may only be accomplished by commission action in an open public meeting.

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

(a) accounting;

(b) information technology;

(c) the law;

(d) medicine;

(e) psychiatry; or

(f) underwriting.

(9) Purchases 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 held as the official record of the County. Such documents include, but are not limited to, bids, proposals, invoices, and contracts. (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)

GENERAL PROVISIONS

1-8-4. Emergency purchases.

(1) An emergency condition is defined as a situation which 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 Department Head or Elected Officer and one County Commissioner. The existence of such a condition must create an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods.

(2) A Department Head or Elected Officer and one County Commissioner may authorize emergency procurements for those supplies, 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 department that the emergency procurements are to be paid from. After an emergency procurement is made, the Department Head and authorizing County Commissioner will submit a written statement to the Auditor and County Commission indicating the basis of the emergency procurement and such other details necessary to process the procurement. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-5. Repealed. (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. County-owned vehicles.

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

(1) Each Department Head or Elected Official shall be responsible for all supplies, materials, equipment or other personal property possessed by or used in their County department.

(2) All non-consumable supplies, equipment, material or other personal property having an initial value of \$200.00 or over, shall be specified on a department inventory roster, which roster shall be maintained and kept current by the department and County Auditor.

(3) Other items having a value of less than \$200 shall also be accounted for and placed on a department roster when so required by the Auditor. An item may be removed from said roster if it has been declared surplus and disposed of, has been transferred to another department, or if authorized by the County Auditor or the County Commission when so requested by the Auditor or Department Head. The County Auditor shall identify each item on the roster with sufficient specificity that the item can be identified by a person not familiar with the County inventory system. During the first month of each County fiscal year, the Auditor shall prepare complete roster listings of each department's inventory items. The Auditor shall verify that the items are physically present or accounted for by the Department and shall obtain the signature of the responsible Department Head or Officer on the roster who shall verify that the contents of the listing are accurate and complete. A copy of said updated roster shall be supplied to each Department Head upon completion of the above-stated inventory process. The same process shall be complied with when a new Department Head or Elected Officer becomes responsible for any County department.

(4) The County Clerk shall be responsible, under the direction of the County Commissioners, to hold, manage, lease and insure all County real property and improvements. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-9-2. County-owned vehicles.

County-owned vehicles may be used by non-profit organizations or other political subdivisions of the state, provided such organizations first pay a refundable deposit to the department that has control over such vehicle. Such organization shall also sign a written lease for the use of the vehicle requiring that the vehicle be returned in clean condition, with a full tank of gas, and that any damage will be paid for by the lessee. Should the organization fail to comply with the terms of the lease, the deposit will be forfeited to the county. (Ord. 96-9, 5/7/96)

GENERAL PROVISIONS

CHAPTER 10

PROPERTY DISPOSAL

Section

1-10-1. Purpose.

1-10-2. Definitions.

1-10-3. Means of property disposal.

1-10-4. Adequate consideration.

1-10-5. Disposal of a significant parcel of real property.

1-10-6. Payment and conveyance.

1-10-7. Title.

1-10-1. Purpose.

This chapter is to comply with Section 17-50-312, Utah Code Annotated 1953, as amended in establishing for the manner of disposal of real or personal property. (Ord. 2003-39, 12/9/03)

1-10-2. Definitions.

For purposes of this chapter:

(1) "Reasonable notice" means publication at least one time in a newspaper of general circulation in the county and shall include a description of the property including its location, the name of the proposed purchaser, and amount of the purchase;

(2) "Significant parcel of real property" means a property with no assessed value, an assessed value of more than \$500,000, or a parcel of more than 10 acres in size; and

(3) "Assessed value" as used in this chapter means the most recent tax value determined by the Tooele County Assessor. (Ord. 2016-09, 7/19/16)

1-10-3. Means of property disposal.

The county commission may dispose of any county property not in public use, including real or personal and lost or abandoned property, or any interest in such property, that in its discretion it determines to be in the public interest. The method used to dispose of property or any interest therein shall be at the county commission's discretion and may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for open or sealed bids, or any other lawful means. Such disposition shall be for adequate consideration unless otherwise permitted by law. Consideration may be other than monetary. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2003-39, 12/9/03)

1-10-4. Adequate consideration.

(1) Adequate consideration is present fair market value, and shall be determined as follows:

(a) If the assessed value of real property to be disposed of is \$10,000 or less, the County Commission may use its discretion in determining the present fair market value.

(b) If the assessed value of real property to be disposed of is between \$10,000 and \$100,000, the assessed value is considered the present fair market value.

(c) If the assessed value of real property to be disposed of is greater than \$100,000 but it is not classified as a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by an independent appraisal.

(d) If the property is a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by the average of two independent appraisals.

(2) The county may in its discretion choose to keep the appraisals conducted under Subsections (1)(c) and (1)(d) protected from public disclosure until after a sale is completed.

(3) In any case, the county shall not dispose of any real property for less than its present fair market value as defined in Subsections (1)(a) through (1)(d). If the county chooses a method to dispose of real property that results in more than one offer or bid that meets or exceeds the property's present fair market value, the county commission may exercise its discretion to select the offer or bid that in its judgment is in the public's best interest. (Ord. 2016-10, 9/20/16; Ord. 2016-09, 7/19/16)

GENERAL PROVISIONS

1-10-5. Disposal of a significant parcel of real property.

Before the county may dispose of a significant parcel of real property, the county shall provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment, and allow an opportunity for public comment on the proposed disposition during a public hearing before the county commission. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2012-20, 10/16/12; Ord. 2003-39, 12/9/03)

1-10-6. Payment and conveyance.

(1) Unless agreed otherwise, a purchaser of property for cash must tender 10% of the purchase price upon the county commission's approval of the sale.

(2) Unless agreed otherwise, the purchase price shall be paid in full within 30 days of the sale. In no case shall the property be conveyed to the purchaser until paid in full.

(3) In the event the purchaser fails to pay in full within 30 days of the sale or as otherwise agreed, the sale will be canceled and the county will retain any or all money paid to it sufficient to pay for any or all damages caused by the purchaser's failure to pay in full, 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. Any remaining money shall be timely returned to the purchaser. (Ord. 2016-09, 7/19/16)

1-10-7. Title.

Title to real property shall be conveyed or transferred as it was received by the county, except as otherwise provided by law. (Ord. 2016-09, 7/19/16)

CHAPTER 11

COUNTY RECORDS ACCESS AND MANAGEMENT

Section

1-11-1. Findings.

1-11-2. Compliance with state law.

1-11-3. Definitions.

1-11-4. Public right to records.

1-11-5. Public, private, controlled and protected records.

1-11-6. Privacy rights.

1-11-7. Designation, classification and retention.

1-11-8. Procedures for records request.

1-11-9. Fees.

1-11-10. Appeal process.

1-11-11. Reasonable accommodation.

1-11-12. Records amendments.

1-11-13. Penalties.

1-11-14. Records officer.

1-11-15. Records maintenance.

1-11-16. Responsibility for county records.

1-11-17. Computerized records.

1-11-18. Justice court records.

1-11-19. Effective date.

1-11-1. Findings.

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

(2) As the records of Tooele County government agencies are a resource containing information which:

(a) allows government programs to function;

(b) provides officials with a basis for making decisions and ensuring continuity with past operations; and

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(c) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.

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

(4) The County recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this ordinance, for the public good. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-2. Compliance with state law.

In enacting this chapter, it is the purpose and intent of the Board of County Commissioners to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as “the Act”), Chapter 2 of Title 63 of the Utah Code Annotated 1953, an ordinance acknowledging and complying with the Act and providing for its application in the County. County agencies shall comply with the provisions of this chapter and with the Act and shall also comply with other federal and state statutory and regulatory record-keeping requirements. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-3. Definitions.

As used in this chapter, the following definitions shall be applicable:

(1) “**Act**” shall refer to the Governments Records Access and Management Act, §63-2-1, et seq., Utah Code Annotated 1953, as amended.

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

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

(4) “**Controlled**” records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

(5) “**Data**” shall refer to individual entries (for example, birth date, address, etc.) in records.

(6) “**Designate**” or “**designation**” means to give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

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

(8) “**Non-public**” records shall refer to those records defined as private, controlled, or protected under the provisions of this ordinance and of the Act.

(9) “**Private**” records shall refer to those records classified as private under the provisions of this ordinance and of the Act.

(10) “**Protected**” records shall refer to those records classified as protected under the provisions of this ordinance and the Act.

(11) “**Public**” records shall refer to those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

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

(b) “**Record**” does not mean:

(i) temporary drafts or similar materials prepared for the originator’s personal use or prepared by the originator for the personal use of a person for whom he is working;

(ii) materials that are legally owned by an individual in his private capacity;

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

(iv) junk mail or commercial publications received by the County or by an officer or employee of the County;

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

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

(vii) proprietary computer software programs as defined in Subsection 3 above that are developed or purchased by or for the County for its own use. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-4. Public right to records.

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

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

(3) When a record is temporarily held by a custodial County agency, pursuant to that custodial agency’s statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this ordinance. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-5. Public, private, controlled and protected records.

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

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

(3) Controlled records shall be those County records classified as “controlled,” as defined in the Act, §63-2-303 (U.C.A. 1953, as amended) and as classified and defined in procedures established in this ordinance and in accordance with the Act. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release dated not more than 90 days prior to the request from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

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

(5) Under circumstances set out by the Act, it may be appropriate to disclose non-public County records to persons other than those set out in this section. The determination to so release records shall be at the discretion of the agency director or elected official or designee, consistent with the Act, and upon the advice of the County Attorney. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-6. Privacy rights.

(1) The County recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The County also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record’s public or non-public status is not specifically established by the Act or another statute, by this

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ordinance, or by policies established or designations made under this ordinance, the public's right to access and the record subject's right of privacy must be compared. The County shall not release any records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and procedures established in this ordinance. Under circumstances and procedures established by this ordinance, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

(2) The County may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject's record has been made. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-7. Designation, classification and retention.

All County records and records series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this ordinance. The County may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of and proposed schedules submitted to the County Records Officer who shall be assisted by a Records Classification and Retention Review Committee consisting of the Records Officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the County Attorney as needed. Designation, classification and retention scheduling forms and guidelines shall be prepared and promulgated by the Records Officer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-8. Procedures for records request.

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

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

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

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

(i) the agency, another agency, or some other governmental entity is currently and actively using the record requested;

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

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

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

(v) the request involves extensive editing to separate public data in a record from that which is not public;

or

(vi) providing the information request requires computer programming or other format manipulation.

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

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agency fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

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

(5) Any County record which is subject to litigation, criminal investigation or audit or has been requested in accordance with this ordinance and the Act, that is disposable by an approved retention schedule, may not be disposed of until the litigation or audit has been resolved or the request is granted and fulfilled, or 60 days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 10.

(6) In response to a request for access, an agency may redesignate or reclassify the record or segregate data in the requested record in accordance with this ordinance and the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-9. Fees.

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

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

(a) releasing the record primarily benefits the public rather than a person;

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

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

(3) Fee policies adopted by the County shall be consistent with this section. All copy fee schedules previously adopted by the County shall remain in effect until amended by resolution of the Tooele County Commission. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-10. Appeal process.

(1) Any person aggrieved by the County's classification of a record or by an agency's response to a record may appeal the determination within 30 days after notice of the County's action to the County Records Officer by filing a written notice of appeal. The notice of appeal shall contain the petitioners name, address, phone number, relief sought and if petitioner desires, a short statement of the facts, reasons and legal authority for the appeal.

(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 notice of the requester's appeal to the affected person or entity.

(3) The Records Officer shall make a determination on the appeal within 10 days after receipt of the appeal. During this 10 day period the Records Officer may schedule an informal hearing or request any additional information deemed necessary to make a determination. The Records Officer shall send written notice to all participants providing the reasons for the Records Officer's determination. If the Records Officer fails to issue a written decision within 10 days after receipt of the appeal, the requester shall have the right to immediately carry the appeal to the County Commission.

(4) In addition, if the Records Officer affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the County Commission within 30 days at a scheduled County Commission meeting.

(5) An aggrieved person may file a written notice of appeal from the Records Officer's decision with the Chairman of the County Commission, which appeal shall be heard by the County Commission within 30 days of the filing of such an appeal. If there is no meeting scheduled within the next thirty days, the County Commission shall schedule a meeting for the purpose of hearing the appeal. The final decision of the County Commission shall be by majority vote of a quorum of the Board. The County Commission shall prepare a written decision outlining their final determination and reasons for the final determination. Failure of the Board of County Commissioners to issue a written decision within ten (10) days after conclusion of the hearing grants to the requester the right to carry the appeal to the District Court.

(6) The appeal of a decision of the County Commission may be made by any aggrieved party to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

(7) The decisions of the County Commission regarding access to or classification of records shall be forwarded to the County Records Officer for corrective action including any reclassification or designation of data or records which may be necessitated by the appellate decision. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-11. Reasonable accommodation.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this Ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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1-11-12. Records amendments.

Records held by the County may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the agency having custody of the records and setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-13. Penalties.

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

(2) In accordance with the Act, neither the County nor any of its agencies, officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-14. Records officer.

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

(2) Each agency of County Government shall appoint a records representative to assist with and be directly responsible for the implementation of this ordinance. Regular training shall be provided under the direction of the records officer to agency records representatives.

(3) The records officer shall develop and provide records management, maintenance and access standards policies and procedures as approved by the County Commission to govern and implement the provisions of the Act and this ordinance. Copies of any rule or policy promulgated under this ordinance shall be forwarded by the County records officer to the Utah State Division of Archives within 30 days after its effective date. Any agency's internal policies regarding records management and access shall be consistent with this ordinance and state law. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-15. Records maintenance.

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

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

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

(4) All records which are in the possession of any County agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the County Archives, provided that such transfer is consistent with the formal provisions of such termination. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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1-11-16. Responsibility for county records.

(1) It is the responsibility of each County agency to receive, store, and preserve County agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain County records over a long term in compliance with this ordinance and the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-17. Computerized records.

(1) The County retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to, audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain County records. All computerized and non-written format records and data which are designated and classified in accordance with the Act and this ordinance, shall be made available to a requester in accordance with this ordinance and the Act.

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

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

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

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

(3) Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this ordinance or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the County and software and other materials which have been copyrighted by the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-18. Justice court records.

Records activities of the County Justice Court system shall comply with and be governed by Section 63-2-702 of the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-19. Effective date.

It is the opinion of the Board of County Commissioners of Tooele County that this ordinance is necessary for the immediate preservation of the peace, health or safety of the County and the inhabitants thereof and shall take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the County. After approval and adoption, a copy and summary of this ordinance shall be forwarded by the County records officer to Utah State Archives. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92; Ord. 92-4, 6/30/92)

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CHAPTER 12

EMERGENCY INTERIM SUCCESSION PROCEDURES

Section

1-12-1. Purpose.

1-12-2. Definitions.

1-12-3. Local emergency proclamation - Emergency interim successor.

1-12-4. Emergency interim succession for Tooele County Commission.

1-12-5. Emergency interim successor for county officers.

1-12-6. Effective date.

1-12-1. Purpose.

This chapter is for the purpose of implementing the Emergency Interim Succession Act (Section 63-5b-101 et seq., Utah Code Annotated 1953) and providing for continuity in Tooele County Government operations and functions in times of a local emergency or disaster. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-2. Definitions.

(1) **“Absent”** means not being physically present at the place of governance during a disaster or not able to be communicated with via telephone, radio, or telecommunications within thirty minutes of an official attempt to communicate with the local government officer.

(2) **“Attack”** means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this state.

(3) **“Available”** means being present at the place of governance during a disaster or able to be communicated with via telephone, radio, or telecommunications device.

(4) **“Disaster”** means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena or technological hazard.

(5) **“Emergency interim successor”** means a person designated by this chapter to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of a County office is unavailable.

(6) **“Internal disturbance”** means a riot, prison break, disruptive terrorism or strike.

(7) **“Local emergency”** means a condition in any political subdivision of the state which requires that emergency assistance be provided by the affected political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

(8) **“Local government officer”** means all county elected officers that are required to designate three emergency interim successors.

(9) **“Natural phenomena”** means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, or epidemic.

(10) **“Official attempt to communicate”** means any attempt by the sheriff’s office, the county emergency management department or county elected officers to contact a local government officer during a disaster or local emergency.

(11) **“Place of governance”** means the physical location where the powers of an office are being exercised.

(12) **“Technological hazard”** means any hazardous materials accident, mine accident, train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or explosion.

(13) **“Unavailable”** means not being physically present at the place of governance during a disaster or not able to be communicated with via telephone, radio, or telecommunications within thirty minutes of an official attempt to communicate with local government officer. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-3. Local emergency proclamation - Emergency interim successor.

(1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a “local emergency” when the circumstances warrant such a proclamation.

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(a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner's last name. (The other Commissioner is hereby designated Commissioner B.)

(b) Commissioner B

(c) Sheriff

(d) County Attorney

(e) Director of the County Emergency Management Department

(2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation. (Ord. 2017-07, 3/21/17; Ord. 2012-21, 10/16/12; Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-4. Emergency interim succession for Tooele County Commission.

If a quorum of the Tooele County Commission is absent, any available County Commissioner may act as the County Commission until such time as two County Commissioners are available. If one County Commissioner is available and acting as the County Commission, the designated emergency interim successors for the other County Commissioners shall not be called upon and shall not be empowered to exercise any powers or duties of this office. If each County Commissioner is absent, a designated successor for each Commissioner shall be contacted and each Commissioners designated successor shall exercise the powers and duties of the office according to the order of succession specified by that Commissioner. An emergency interim successor appointed under this section shall exercise the powers and duties of County Commissioner only until the vacancy is filled in accordance with the constitution or state statutes, a County Commissioner becomes available or an emergency interim successor earlier in order of succession becomes available to exercise the powers and duties of the office. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-5. Emergency interim successor for county officers.

(1) By July 1 of each year each County elected officer shall:

(a) designate three emergency interim successors;

(b) specify their order of succession; and

(c) provide a list of those designated successors to the County Clerk, the County Emergency Management Department, the Sheriff's Office and the State Division of Comprehensive Emergency Management. Said list shall remain in effect until revoked or revised in writing by the elected officer or until said person no longer retains their County office.

(2) If any County elected officer or chief deputy is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by said elected officer.

(3) An emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the constitution or state statutes; or the County elected officer, his chief deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-6. Effective date.

This Chapter shall take effect upon October 20, 1992. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

CHAPTER 13

REPEALED

(Ord. 97-10, 05/24/97)