

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

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

PREAMBLE

WHEREAS, on November 2, 2021, the residents of Summit County overwhelmingly supported and passed a General Obligation Bond for the acquisition and preservation of open space, agricultural protection areas, and conservation easements within Summit County; and,

WHEREAS, the County Manager and County Council desire the advice of the county residents as to the expenditure of these funds; and,

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

WHEREAS, OSAC shall be composed of a nine (9) member Committee and three (3) Regional Advisory Groups, namely the West Summit Regional Advisory Group, the North Summit Regional Advisory Group, and the South Summit Regional Advisory Group, whose members shall reside in the geographical boundaries of their respective Regional Advisory Group; and,

WHEREAS, OSAC shall have the power and duty to advise the County Manager as to the appropriate uses and expenditures of the 2022 Summit County Open Space General Obligation Bond and any subsequent countywide open space bonds issued hereafter; and shall prioritize and refer funding proposals to the County Manager for decision;

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

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

Section 2. **Savings Clause.** In the event one or more of the provisions of this Open Space Advisory Committee Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other

provision; and in such an event, this Open Space Advisory Committee Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

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

APPROVED, ADOPTED, AND PASSED and ordered published by the County Council, this ____ day of _____, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

Evelyn Furse
Summit County Clerk

Christopher F. Robinson, Chair

APPROVED AS TO FORM

Lynda L. Viti
Deputy County Attorney

VOTING OF COUNTY COUNCIL:
Councilmember Armstrong _____
Councilmember Robinson _____
Councilmember Clyde _____
Councilmember Armstrong _____
Councilmember Stevens _____

Attachment A

CHAPTER 42

SUMMIT COUNTY OPEN SPACE ADVISORY COMMITTEE

2-42-1: Definitions

2-42-2: Purpose and Name

2-42-3: Authority

2-42-4: Organization

2-42-5: Membership

2-42-6: Powers and Duties

2-42-7: Notification of Interest Process:

2-42-8: Meetings

2-42-9: Conduct of Members

2-42-1: Definitions:

County: Summit County, Utah.

County Council: The Summit County Council who exercises legislative authority in the County.

County Manager: The chief executive officer of the County.

Evaluation Standards: The approved standards to be used by OSAC in conducting its review of NOIs.

Member: A member of OSAC, including a member of a regional advisory group.

Notice of Interest or NOI: The formal application process set forth in Section 2-42-7.

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

OSAC: The Summit County Open Space Advisory Committee, which is comprised of the the committee and three regional advisory groups, one from each of West Summit, North Summit, and South Summit. An organizational chart for OSAC is attached as Exhibit "A" hereto.

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

Regional Advisory Group: The North Summit Advisory Group, South Summit Advisory Group, or West Summit Advisory Group.

West Summit:

The geographic area of Summit County graphically depicted on Exhibit “B” attached hereto consisting of the Snyderville Basin Special Recreation Service District and the Park City School District.

2-42-2 Purpose and Name

The Summit County Open Space Advisory Committee (“OSAC”) is created for the purpose of advising and providing recommendations to the County Manager regarding the identification, preservation and acquisition of open space, agricultural protection areas, and conservation easements.

2-42-3: Authority:

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

2-42-4: Organization:

OSAC shall be composed of a nine (9) member committee and shall be advised by three (3) Regional Advisory Groups, one from each of the West Summit, North Summit and South Summit geographic areas, or in other words the West Summit Advisory Group, the North Summit Advisory Group, and the South Summit Advisory Group.

OSAC and the Regional Advisory Groups may be dissolved in the discretion of the County Manager with the concurrence of the County Council.

2-42-5: Membership:

- A. The County Manager shall appoint on a nonpartisan basis, with the advice and consent of the County Council, twenty-one (21) Members to the Regional Advisory Groups.

- B. Each Regional Advisory Group shall be composed of seven (7) members.
- C. The Regional Advisory Groups shall each recommend three (3) Members to the County Manager to serve on OSAC.
- D. OSAC shall be composed of nine (9) Members consisting of three (3) Members from each Regional Advisory Group .
- E. Membership opportunities shall be publicly advertised. City Mayor(s) or Director(s) of county Special Service Districts may provide Membership recommendations to the County Manager. The County Manager shall select Members with the advice and consent of the County Council.
- F. All Regional Advisory Group Members shall reside in the geographical boundaries of their respective Regional Advisory Group.
- G. Regional Advisory Group representation shall be as follows:
 - 1. West Summit Regional Advisory Group : one (1) representative who resides within the incorporated boundaries of Park City; one (1) representative who resides within the boundaries of the unincorporated Snyderville Basin; one (1) recreational professional who resides in West Summit; one (1) agricultural or natural resources professional who resides in West Summit; and three (3) at-large community representatives who reside in West Summit.
 - 2. North Summit Regional Advisory Group : one (1) representative who resides within the incorporated boundaries of Coalville City; one (1) representative who resides within the incorporated boundaries of the Town of Henefer; one (1) recreational professional who resides in North Summit; one (1) representative who resides within the boundaries of unincorporated area of North Summit; one (1) agricultural or natural resources professional who resides in North Summit; and two (2) at-large community representatives who reside in North Summit.
 - 3. South Summit Regional Advisory Group : one (1) representative who resides within the incorporated boundaries of Kamas City; one (1) representative who resides within the incorporated boundaries of Oakley City; one (1) representative who resides within the incorporated boundaries of Francis City; one (1) representative who resides within the boundaries of unincorporated area of South Summit; one (1) agricultural or natural resources professional who resides in South Summit; and two (2) at-large community representatives who reside in South Summit.
- H. Non-voting members: OSAC and each Regional Advisory Group may enlist non-voting member participation as needed or advised by the OSAC chair, the County Manager or

County Council, including staff from the Office of the County Manager and one planning commission member from either the Eastern Summit County Planning Commission or the Snyderville Basin Planning Commission.

- I. Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County.
- J. Terms: OSAC Members may serve three (3) consecutive three (3) - year terms. The Regional Advisory Group Members may serve until the Regional Advisory Group is dissolved by the County Manager with the advice and consent of the County Council, but in any event no longer than one (1) year, absent good cause.
- K. The County Attorney or a staff attorney shall be legal counsel to the OSAC and the Regional Advisory Groups .
- L. The County Manager may remove any Member at any time with or without cause.
- M. The County Manager may appoint a replacement with the advice and consent of the County Council in the event of a vacancy on OSAC or a Regional Advisory Group. The replacement shall complete the remainder of the term of the vacant seat.

2-42-6: Powers and Duties

- A. OSAC shall advise the County Manager as to the identification, preservation and acquisition of open space, agricultural protection areas, and conservation easements with respect to the use of the 2022 Summit County Open Space General Obligation Bond and any subsequent countywide open space bonds issued hereafter.
- B. All funding proposed by OSAC shall be referred to the County Manager for his or her decision.
- C. Each Regional Advisory Group shall:
 - 1. Select from among the voting Members a chair, vice chair, and secretary of the Regional Advisory Group.
 - 2. Select three (3) Members for inclusion on OSAC and present the names to the County Manager for confirmation or rejection of appointment **within seven (7) days** of the Advisory Group's first meeting. The County Manager may reject any or all recommendations from the Regional Advisory Groups and may independently choose from among Regional Advisory Group Members for membership on OSAC. In the event that any Advisory Group is dissolved, and then again revived, the County mananager will appoint OSAC Members in accordance with 24-42-5-M as needed.

3. In open meetings, and within thirty (30) days of its first meeting craft and prioritize Evaluation Standards and recommend those standards to OSAC for the purposes set forth in Section 24-42-6-A.
4. After crafting and prioritizing standards, compile a confidential list of properties and submit the list to OSAC within thirty (30) days of deadline
5. The Regional Advisory Groups are encouraged to hold public hearings as part of crafting Evaluation Standards.

D. OSAC shall:

1. Select from among the voting Members a chair, vice chair, and secretary.
2. Propose by-laws for approval by the County Manager in consultation with the County Council.
3. Assess the Evaluation Standards proposed by each Regional Advisory Group and recommend the proposed Evaluation Standards for each geographical area to the County Manager. The chair of OSAC shall have responsibility of presenting all recommended evaluation standards from OSAC to the County Manager. The County Council shall adopted the Evaluation Standards.
4. Inform County Manager to all funding options and provide recommendations as to best options.
5. Make recommendations to the County Manager on selecting an accredited land trust or an equivalent legal entity to hold conservation easements on proposed properties.
6. Advise the County Manager on contributing or acquiring funds for the purposes set forth in Section 24-42-6-A.
7. Evaluate Notifications of Interest and make recommendations on funding to the County Manager consistent with Section 2-42-7.

- E. Final Authority: Neither the determinations of eligibility, nor the recommendations on NOIs set forth in Section 2-42-7, are binding on the County Manager, County Council or the County. The County Manager retains final authority regarding any real property transactions and if deemed necessary for the health, safety, or general welfare of the residents of the County, the County Manager may take direct action on any acquisition of open space, agricultural protection areas or conservation easements with or without the involvement of the OSAC or the Regional Advisory Groups.

F. Upon the request of the County Manager or County Council, OSAC shall make presentation to the County Manager and County Council on the Evaluation Standards and OSAC's goals and activities.

2-42-7: Notification of Interest Process:

- A. Notification of Interest (NOI) Submittal. Landowners who desire to nominate real property for preservation and acquisition as open space, an agricultural protection area, or for a conservation easement, whether in exchange for compensation or otherwise, may do so by filing a NOI with the County Manager on forms provided for that purpose. Upon receipt of a NOI, County staff will review the NOI and verify completeness of required information. If deemed complete, the County staff shall in turn transmit such NOI to OSAC
- B. NOIs will be evaluated by OSAC using the Evaluation Standards (2-24-6-D-3).
- C. NOIs are encouraged to be evaluated and sponsored by an accredited land trust or equivalent legal entity.
- D. Initial Presentation and Site Visit. The NOI will be scheduled on an agenda of OSAC for an initial presentation by the landowner, accredited land trust or equivalent legal entity and OSAC may conduct a site visit to review and verify the property for conformance with Evaluation Standards.
- E. Scoring and Recommendation. OSAC will score all NOIs as eligible or ineligible for funding based upon the Evaluation Standards and will make a recommendation to the County Manager.

2-42-8: Meetings:

- A. Meetings of the Regional Advisory Groups shall be scheduled on an as-needed basis.
- B. Meetings of OSAC shall be scheduled on an as-needed basis.
- C. Meetings, special meetings, work sessions and field trips, for any purpose, may be held at the call of the chair, the County Manager or the County Council. Work session and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.
- D. All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings and a statement of any conditions to be attached to the action.

- E. OSAC shall conduct its business according to bylaws.
- F. OSAC and its Regional Advisory Groups are subject to the Open and Public Meetings Act.
- G. OSAC and its Regional Advisory Groups may go into closed session to discuss NOIs as allowed by the Open and Public Meetings Act.

2-42-9: Conduct of Members:

- A. Ethical Principles: The following ethical principles shall guide the actions of OSAC, its Regional Advisory Groups, and their Members in carrying out the powers and duties described above:
 - 1. Serve the Public Interest: The primary obligation of OSAC, its Regional Advisory Groups, and each Member is to serve the public interest.
 - 2. Support Citizen Participation in Planning: OSAC and its Regional Advisory Groups shall ensure a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies.
 - 3. Recognize the Comprehensive and Long-Range Nature of Decisions: OSAC, its Regional Advisory Groups and their Members shall continuously gather and consider all relevant facts, alternatives and means of accomplishing them, and explicitly evaluate all consequences before making a recommendation or decision.
 - 4. Facilitate Coordination Through the Process: OSAC and Regional Advisory Groups shall ensure that individuals and public and private agencies possibly affected by a prospective decision receive adequate information far enough in advance of the decision.
 - 5. Avoid Conflict of Interest: Members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before OSAC or any of its Regional Advisory Groups, Members shall divulge in public, any past, present, or expected relationship with any party affiliated with such matter. A Member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the committee table, but may remain in the chamber. The Member shall also not discuss the matter privately with any other official voting on the matter.

6. **Render Thorough and Diligent Service:** If a Member has not sufficiently reviewed relevant facts and advice affecting a decision, that Member should not participate in that decision.
 7. **Not Seek or Offer Favors:** A Member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
 8. **Not Disclose or Improperly Use Confidential Information For Financial Gain:** A Member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.
 9. **Ensure Full Disclosure at Public Meetings:** OSAC and its Regional Advisory Groups shall ensure that the presentation of information on behalf of any party to a question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent, and must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.
 10. **Maintain Public Confidence:** A Member must conduct himself/herself publicly so as to maintain public confidence in the public body and the Member's performance of the public trust.
 11. **Respect for and Courtesy to Other Members, Public and Staff:** Each Member has the same rights and privileges as any other Member. Any Member has the right to be heard and to hear what others have to say about items being considered by OSAC or its Regional Advisory Groups.
- B. **Representation of Applicants or Petitioners:** No Member shall physically represent applicants or petitioners before OSAC or any of its Regional Advisory Groups on matters on which that OSAC or one of its Regional Advisory Groups is to make determinations or recommendations.
- C. **Ex Parte Communication:** Prearranged private meetings between a Member and an individual(s), and their agents, or other interested parties with a matter pending before OSAC or any of its Regional Advisory Groups are prohibited. Partisan information on any application received by a Member whether by mail, telephone, or other communication should be avoided. When such communication does occur, it must be disclosed and made part of the public record by the Member.

D. Attendance: Each Member shall be responsible for attending all scheduled meetings of their respective committee or group. Should circumstances arise where a Member is unable to attend a scheduled meeting, the Member shall be responsible for notifying the chair as soon as possible. Members who fail to attend three (3) regular meetings of their respective committee or group within any consecutive three (3) month period may, at the discretion of the County Manager, be removed from that respective committee.

Exhibit "A"

OSAC Organizational Chart

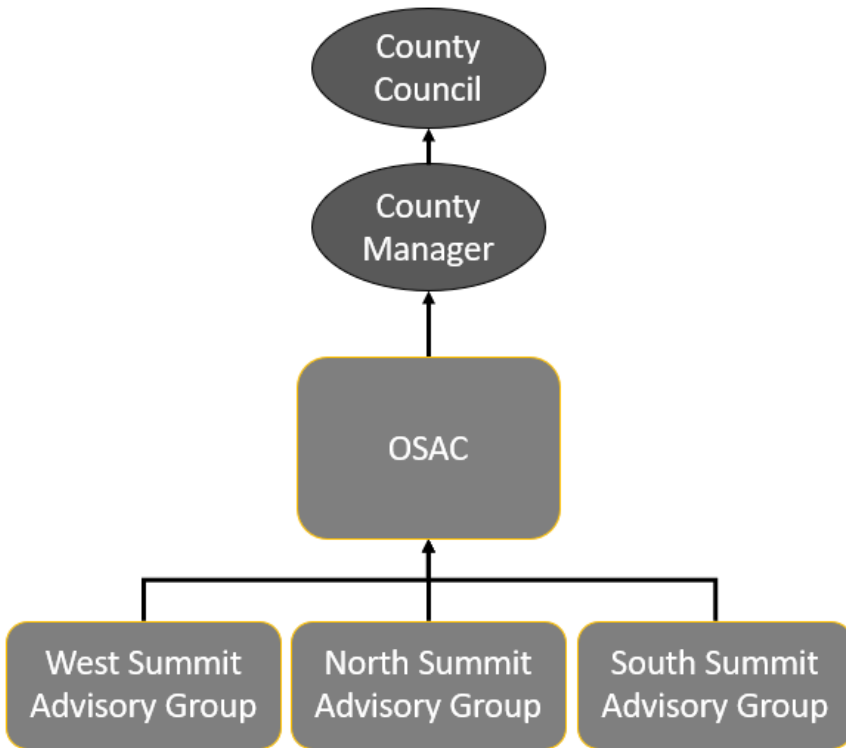
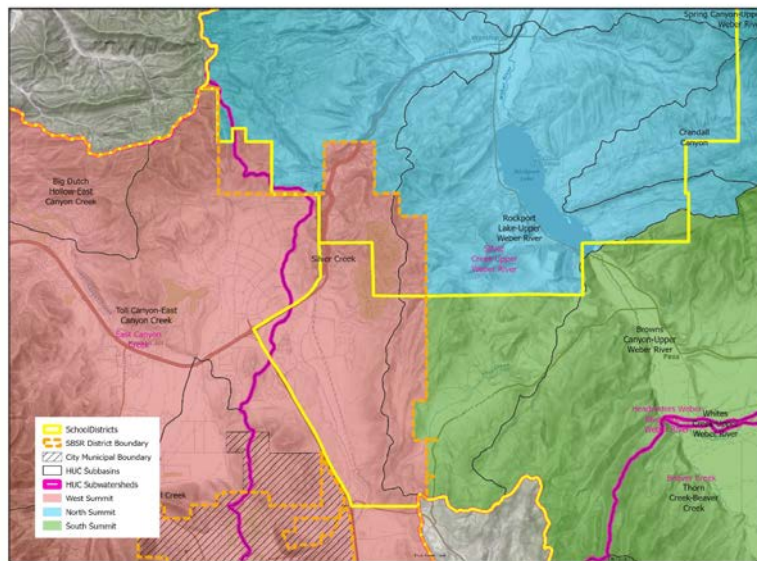
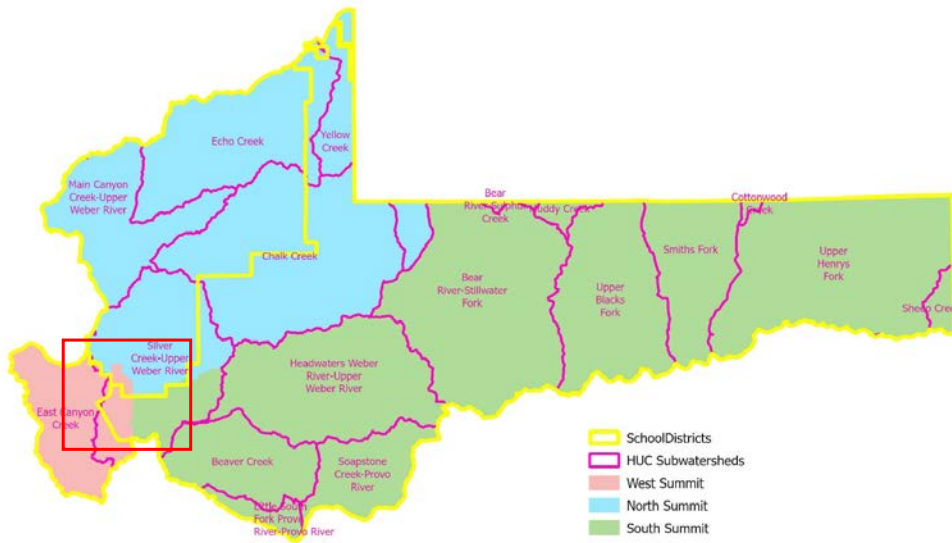
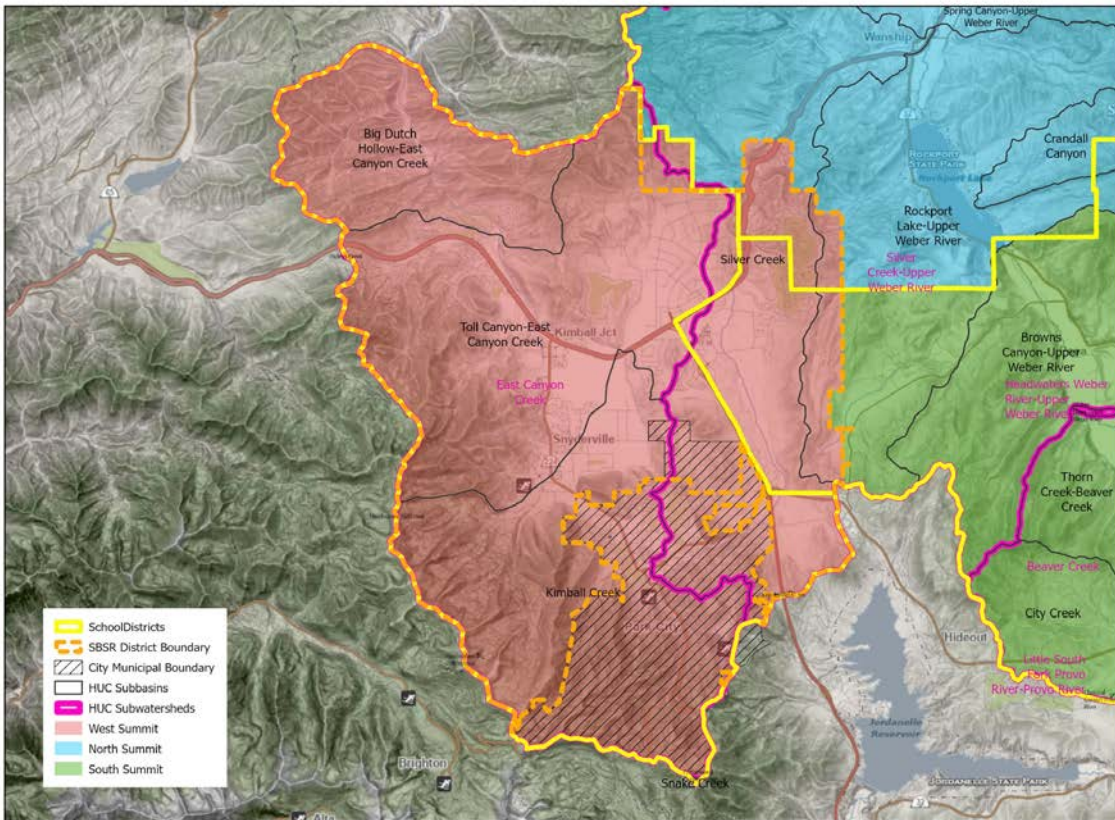


Exhibit B
Regional Advisory Group Boundary Maps



West Summit



South Summit

