

RESOLUTION NO. _____

DATE: _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL
PROVIDING NOTICE THAT IT INTENDS TO REMOVE THE TOWN OF
BRIGHTON FROM THE RECREATION AREA ESTABLISHED BY SALT
LAKE COUNTY COUNCIL RESOLUTION NO. 5644, AND FURTHER
INTENDS TO CEASE PROVIDING COUNTY GENERAL FUND DOLLARS
FOR PUBLIC SAFETY SERVICES IN THE TOWN OF BRIGHTON AFTER
FISCAL YEAR 2024

WHEREAS, the Salt Lake County Council, as the legislative body for Salt Lake County, is responsible for allocation of funds within the County budget; and

WHEREAS, in October 2018, County leaders were advised by legal counsel that, under then existing state law, use of general fund dollars for public safety in recreation areas in canyons was expressly limited to areas outside the limits of cities and towns; and

WHEREAS, proponents of the incorporation of the Town of Brighton were advised by both County leaders and the legally required incorporation feasibility study that this provision would result in a public safety funding gap should the town be incorporated; and

WHEREAS, in the general election held on November 6, 2018, voters in the proposed incorporation area voted to incorporate the Town of Brighton; and

WHEREAS, the Salt Lake County Council desired to be a good partner in providing quality public safety for its residents and sought a compromise solution to this public safety funding gap; and

WHEREAS, in pursuit of this compromise solution, the Salt Lake County Council supported S.B. 187 in the 2019 General Session of the Utah State Legislature, which legislation removed the previous statutory prohibition against providing public safety funding within a municipality and created a nexus between maintaining regional land use authority within the

Town of Brighton and allowable use of regional County general funds for public safety within an incorporated town in a recreation area that participated in a regional land use authority; and

WHEREAS, S.B. 187 was passed by the Legislature and became law in May of 2019; and

WHEREAS, in the spirit of this compromise, the Salt Lake County Council approved Resolution No. 5644 on October, 8, 2019, which resolution designated the future Town of Brighton as a part of a recreation area defined and designated for budgetary purposes in accordance with the requirements Utah Code Ann. § 17-34-1, thereby allowing Salt Lake County to lawfully budget general fund moneys for the purpose of providing certain and defined public safety services within the recreation area, including within the boundaries of Brighton; and

WHEREAS, consistent with Resolution No. 5644 and Utah Code Ann. § 17-34-1, the Salt Lake County Council provided public safety funding to the future Town of Brighton as part of the County's 2020 budget; and

WHEREAS, on January 1, 2020, the Town of Brighton officially incorporated as an independent municipality under the laws of the State of Utah; and

WHEREAS, the Salt Lake County Council has continued to honor the spirit of this compromise by allocating County general funds to bridge the funding gap for certain eligible public safety services within the Town of Brighton during succeeding County fiscal years;

WHEREAS, leadership of the Town of Brighton supported S.B. 240 in the 2021 General Session of the Utah State Legislature, which legislation delegated land use authority to the Town of Brighton, thus severing the nexus between regional land use authority and regional public safety funding in the Town of Brighton, and abrogating the original compromise solution embodied by S.B. 187 and the County's subsequent budgetary decisions; and

WHEREAS, S.B. 240 was passed by the Legislature and signed by the Governor, becoming law in May of 2021; and

WHEREAS, the Salt Lake County Council has severe ethical and public policy concerns with using County general funds to exclusively subsidize one municipality or taxing entity in fulfilling their statutory duties without a continuing, justifiable regional nexus that benefits all County taxpayers; and

WHEREAS, the Town of Brighton is an independent municipality; and

WHEREAS, the Unified Fire Service Area is an independent taxing entity serving the residents of Brighton; and

WHEREAS, the Town of Brighton and the Unified Fire Service Area are ultimately responsible for funding public safety services for the residents of the Town of Brighton;

NOW THEREFORE, be it resolved by the Salt Lake County Council, acting as the legislative body for Salt Lake County, resolves as follows:

- 1) The Council, desiring to be a good partner and to provide adequate time for local policy and budget decisions, hereby provides notice to the Town of Brighton and the Unified Fire Service Area that the Council intends to remove the Town of Brighton from the recreational area created by Salt Lake County Council Resolution No. 5644, and further intends to cease contributing County general funds for the provision of public safety services within the Town of Brighton. The Council intends to effectuate these changes following the close of the County's 2024 fiscal year, for the period beginning January 1, 2025.
- 2) The Council desires to see the Town of Brighton and the Unified Fire Service Area, before asking the County for any further contribution to subsidize a public safety funding

gap in the Town of Brighton, take action to reduce such gap, potentially including but not limited to the following: redrawing municipal boundaries; maximizing currently available revenue streams such as resort sales and use tax, municipal energy sales and use tax, and general property tax; and seeking new revenue streams from the Utah State Legislature in the 2024 legislative session.

APPROVED and ADOPTED this _____ day of _____ 2023.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Gavin Anderson 13 April 2023
Deputy District Attorney Date

Council Member Alvord voting _____
Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Granato voting _____
Council Member Harrison voting _____
Council Member Stewart voting _____
Council Member Stringham voting _____
Council Member Theodore voting _____
Council Member Winder Newton voting _____