

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2018

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 2.06B, ENTITLED “DEPUTY MAYORS, OFFICES AND DEPARTMENTS”, 2.60, ENTITLED “CONVENTION FACILITIES ADVISORY BOARD”, 3.07, ENTITLED “LOCAL SALES AND USE TAX TO FUND RECREATIONAL AND ZOOLOGICAL FACILITIES AND BOTANICAL, CULTURAL AND ZOOLOGICAL ORGANIZATIONS”, 3.28 ENTITLED “CONTRACT PROCESSING AND PAYMENTS” AND 3.42. ENTITLED “CHARGES AND FEES” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, CHANGING THE NAME OF “CENTER FOR THE ARTS” TO “ARTS AND CULTURE”

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 2.06B of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as attached as follows:

2.06B.020 - Office of the deputy mayor for county services.

A. The deputy mayor for county services shall serve as the chief administrative officer for Salt Lake County and shall oversee the following services and agencies and the mayor may organize these functions as agencies, sections or otherwise and may assign directors and personnel as determined by the mayor.

B. The human resources division shall perform the duties of the office of personnel management, as set out in section 17-33-1, Utah Code Annotated, and shall be directed by a division director appointed as set out in 17-33-5, Utah Code Annotated.

C. The department of community services shall be directed by the deputy mayor for county services or by a department director assigned by the mayor and shall oversee the following services and agencies:

1. [~~Center for the Arts~~] Arts & Culture and Eccles Theater.
2. Zoo, arts and parks grant administration.
3. Clark Planetarium.
4. Parks and recreation, golf and open space.
5. Equestrian park.
6. Libraries.
7. Children's museum.

D. The department of human services shall be directed by the deputy mayor for county services or by a department director assigned by the mayor and shall oversee the following services and agencies:

1. Salt Lake County health department.
2. Aging services.
3. Youth services.
4. Criminal justice services.
5. Behavioral health services.
6. Utah State University extension services.
7. Indigent defense services to include management of a contract for indigent defense.

E. The department of regional transportation, housing, and economic development shall be directed by the deputy mayor for county services or by a department director assigned by the mayor and shall oversee the following services and agencies:

1. Regional economic development.
2. Convention and visitors' bureau sales and marketing.
3. Salt Palace convention center.
4. South Towne exposition center.
5. Regional planning and transportation.
6. Housing and community development

SECTION III. Section 2.60 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as attached as follows:

2.60.020 - Membership.

A. Members. The Convention Facilities Advisory Board shall consist of the following citizens and representatives:

1. Shareholders with voting rights;
 - a. Two representatives from the hospitality industry including hotels and resorts;
 - b. A representative from Salt Lake City government;
 - c. A representative from Sandy City government;
 - d. A representative from the Salt Lake County council;
 - e. A representative of the State of Utah;
 - f. An executive board member of Salt Lake County's vendor for visitor promotion and tourism;
 - g. Three facility users or stakeholders;
 - h. Two community representatives at large;
 - i. President of Salt Lake County's vendor for visitor promotion and tourism; and
2. Ex-officio, nonvoting, members:

- a. Director of the Salt Lake County Department of Regional Transportation, Housing and Economic Development;
 - b. Associate director of Salt Lake Department of Regional Transportation, Housing and Economic Development;
 - c. Representative from [~~Salt Lake County Center for the Arts~~] Salt Lake County Arts & Culture;
 - d. An attorney from the Salt Lake County District Attorney's Office; and
 - e. A representative from the Salt Lake Area Chamber of Commerce or Downtown Alliance.
- B. The number of board members shall be set by the mayor and may be changed, from time to time, at the request of the mayor and upon approval of the county council. The chair and vice-chair of the CFAB shall be selected annually by its voting members. The CFAB will be provided staff assistance, as necessary, by the management company for the facilities.
- C. Term. Voting board members' terms will consist of three calendar years from the date of appointment. No voting board members will serve more than two three-year terms, unless his/her appointment is based on the member's official position. For example: President of Visit Salt Lake. Terms of board members shall not be concurrent and shall be staggered so that terms of service shall overlap giving depth of knowledge to the CFAB at all times.
- D. Compensation. The CFAB members shall serve without compensation, but may be reimbursed, at rates consistent with county-wide policies, for travel and other expenses related to their duties as CFAB members.

SECTION IV. Section 3.07 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as attached as follows:

3.07.060 - Distribution of revenues—Determination of operating expenses.

- A. The distribution of revenues and determination of operating expenses shall be in accordance with Section 59-12-701 et seq. and the provisions of this chapter and shall be subject to the policies and procedures adopted by the council.
- B. An advisory board known as the Tier I (large cultural organizations) advisory board shall be appointed by the council in accordance with statutory requirements.
- C. An advisory board known as the Tier II (small cultural organizations) advisory board shall be appointed by the council in accordance with the following:
 - 1. Two mayors from municipalities within Salt Lake County; and
 - 2. Seven representatives from the community at large, one of which is recommended (but not required) to be a member of the Salt Lake County [~~Center for the Arts~~] Arts & Culture advisory board.

D. An advisory board known as the recreational facilities advisory board shall be appointed by the council in accordance with the following:

1. Five representatives from the community at large, at least one community representative shall reside in unincorporated Salt Lake County;
2. Four mayors from municipalities within Salt Lake County;
3. Two representatives from the division of the Salt Lake County parks and recreation advisory board;
4. One member of the county open space trust fund committee;
5. The division director (or his designee) of Salt Lake County parks and recreation;
6. Additional members may be added at the discretion of the council as desired.

E. The director of the community service department (or his designee) and the zoo, arts and parks program director shall serve as nonvoting members to each of the advisory boards. Staff assistance to the Tier I and II advisory boards shall be provided by the department of community services. Staff assistance to the recreational facilities advisory board shall be provided by the council. A deputy district attorney shall provide legal assistance as necessary.

F. It is the intent of the council that to the extent practicable, advisory board members shall be evenly divided by council district.

G. Terms of Board and Committee Members.

1. Except for the terms of office of the members of the first board to be established, the term of office of each member shall be three years and until the appointment and qualification of his/her successor. The terms of members of the first board established shall be staggered.
2. Upon the expiration of a member's term, his/her successor shall be appointed for a full term of three years.
3. The expiration date of the term of office of each board member shall be the first Monday in January in the year in which the person's term expires.
4. The chair of the board or committee shall be selected by the members yearly or at such time as a vacancy occurs.

H. The members of each board shall be appointed by the council.

I. By July 1st of each year, the council may index the threshold amount(s) in Subsection 59-12-704(1), Utah Code Annotated, as permitted by Subsection 59-12-704(5). Any change shall be rounded off to the nearest one hundred dollars.

J. The administration of this chapter shall be further governed by policies and procedures to be established for this purpose by the county.

K. Except as provided in Subsections 1 and 2 below, in addition to the definitions found in Section 59-12-702 and the distribution of revenues found in Subsection 59-12-704(1)(b), to be eligible to receive a portion of the ZAP revenue as a zoological facility or organization, such facility or organization must be accredited by a national or international independent accrediting organization for zoos and/or aquariums approved from time to time by the Tier I advisory board, such as the Association of Zoos and Aquariums.

1. If any accredited zoological facility or organization that has previously received ZAP funding subsequently loses accreditation, said facility or organization shall provide, with its next ZAP funding application, a written notice explaining the reasons for the loss of accreditation and proposing curative measures to be taken by the facility or organization to address the reasons for the loss of accreditation. The Tier I advisory board may consider the explanation and proposed curative measures in making a recommendation to the county council to award ZAP funds to said zoological facility or organization. After considering the recommendation of Tier I advisory board, the county council may continue to award ZAP funds to the unaccredited facility or organization for a period of time. However, in no event will a zoological facility or organization be eligible to receive ZAP funds once it has been unaccredited for more than five years.

2. With respect to a zoological organization having as its primary purpose the operation of an aquarium or a zoological facility that is part of or integrated with an aquarium, for the five-year period commencing on January 1, 2017 and ending on December 31, 2021, such facility or organization need not be accredited to be eligible to receive a portion of the ZAP revenue as a zoological facility or organization, but must be in the process of obtaining accreditation from a national or international independent accrediting organization for zoos and/or aquariums approved by the Tier I advisory board, as provided in this Section. However, if a zoological organization having as its primary purpose the operation of an aquarium or a zoological facility that is part of or integrated with an aquarium fails to apply for its initial accreditation from an approved accrediting organization on or before May 31, 2020 or fails to receive its initial accreditation from an approved accrediting organization on or before December 31, 2021, then, after May 31, 2020 or December 31, 2021, whichever is triggered first, such zoological facility or organization will not be eligible to receive a portion of the ZAP revenue as a zoological facility or organization under Subsection 59-12-704(1)(b) until the zoological facility or organization obtains accreditation from an approved accrediting organization, unless the Tier I advisory board makes a recommendation to the county council that an extension to the application or accreditation deadline is warranted. If the Tier I advisory board recommends to the county council that an extension is warranted, then the county council may award ZAP funds to such zoological facility or organization for a period of time. However, in no event will such zoological facility or organization be eligible to receive ZAP funds once it has remained unaccredited for more than two years beyond the December 31, 2021 deadline.

SECTION V. Section 3.28 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as attached as follows:

3.28.020 - Contracts management—Powers and duties.

A. The division of contracts and procurement shall act as a repository for all county contracts and purchase orders.

B. Upon receipt of a contract or contract preparation package from a county agency, the purchasing agent will:

1. Ensure that the contract is approved as to form by the attorney's office;
2. Ensure that the contract is reviewed and authorized by the director or director's designee of the requisitioning agency; and
3. Enter the contract in the county's financial system to ensure the availability of funds prior to the contract being used.

C. After the contract has been approved and entered into the financial system, the purchasing agent will send the contract to be executed by the mayor or proper signing authority. The purchasing agent will make available a fully executed copy of the contract to the appropriate agencies and to the vendor or contractor. Additionally, a copy of the fully executed contract, the contract preparation package, and any other documents relevant to the establishment of the contract will be maintained by the contracts and procurement division.

D. Under circumstances approved by the purchasing agent and the attorney, standard form contracts may be used. Contracts using a standard format prepared by the attorney's office do not need to be individually approved as to form. The designation, "Standard Form Contract," form number, and date the standard form was approved shall be included in the contract title. Any alteration of the standard form language without approval of the attorney shall render the agreement void and without effect which will be stated in an appropriate part of the contract. The attorney shall approve as to form any changes to the boilerplate language in standard form contracts.

E. The purchasing agent may designate certain revenue agreements that the mayor or designee may execute without processing through the division of contracts and procurement, provided they are approved as to form by the attorney, and delivered to contracts and procurement after execution.

Examples of such agreements include:

1. Promoter's and facility or equipment rental agreements, and contracts for providing utility services, to exhibitors at the Salt Palace, South Towne Center, and [~~Center for the Arts~~] Arts & Culture facilities;
2. Planetarium show distribution, and rental of equipment and facility rental contracts;
3. Recreation facility and equipment rental agreements, recreation facility license agreements, and recreational program agreements; and
4. Library facility and equipment rental agreements.
5. Senior Center rental agreements.

F. Agreements under the Interlocal Cooperation Act shall be executed as provided therein.

G. Each agency will administer the operation of its contracts.

SECTION VI. Section 3.42 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as attached as follows:

**3.42.090 – [~~Center for the Arts~~] Arts & Culture —
Preservation fund fee.**

A. [~~The Center for the Arts~~] Arts & Culture, as part of its ticketing fees for its venues, specifically the Capitol Theater, Abravanel Hall, and the Rose Wagner Performing Arts Center, is authorized to charge and collect a preservation fund fee on all paid admissions except as otherwise provided in this section.

B. The revenues from this preservation fund fee shall be dedicated funds to be used solely and exclusively for capital equipment and capital improvements for the preservation of the Capitol Theater, Abravanel Hall, and the Rose Wagner Performing Arts Center. Preservation fund fees collected shall be deposited into a special fund and used with other funding annually budgeted and appropriated, to enhance and accelerate capital maintenance and improvement projects at these venues.

C. Salt Lake County and its [~~Center for the Arts~~] Arts & Culture will solicit input from the residents, tenants and frequent users of the named venues with regard to the use of the revenues collected as preservation fund fees, with the final decision as to the acquisition of capital equipment or capital improvements to these venues being the sole decision of Salt Lake County.

D. The preservation fund fee shall be waived for students, as defined by [~~the Center for the Arts~~] Arts & Culture, and senior citizens age sixty-five and older, for those students and senior citizens presenting valid personal identification.

E. The preservation fund fee shall not be charged with complimentary tickets, or tickets for educational performances or free rehearsals.

F. For annual subscription ticketing, the preservation fund fee per individual subscription shall not exceed six dollars per individual subscription.

SECTION VII. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

[Signature Page to Follow]

APPROVED and ADOPTED this _____ day of _____, 2018.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____
Council Member Winder Newton voting	_____

Vetoed and dated this ____ day of _____, 2018

By: _____
Ben McAdams, Mayor

(Complete as Applicable)

Veto override: Yes ____ No ____ Date _____

Ordinance published in the newspaper: Date _____

Effective date of ordinance: _____

**SUMMARY OF
SALT LAKE COUNTY ORDINANCE NO. _____**

Salt Lake County Ordinance No. _____ amends the following chapters of the Salt Lake County Code of Ordinances, 2001: 2.06B, entitled “Deputy Mayors, Offices and Departments”, 2.60, entitled “Convention Facilities Advisory Board”, 3.07, entitled “Local Sales and Use Tax To Fund Recreational and Zoological Facilities and Botanical, Cultural and Zoological Organizations”, 3.28 entitled “Contract Processing and Payment and 3.42., entitled “Charges and Fees” of the Salt Lake County Code of Ordinances, 2001, changing the name of “Center for the Arts” to “Arts and Culture”.

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah, with the names of the members of the County Council voting for and against the ordinance.

APPROVED and ADOPTED this _____ day of _____, 2018.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____
Council Member Winder Newton voting	_____