

RESOLUTION NO. _____, 2021

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL ADOPTING A FEE
WAIVER POLICY FOR THE SALT LAKE VALLEY SOLID WASTE
MANAGEMENT FACILITY

W I T N E S S E T H

WHEREAS, Salt Lake County is a co-owner and operator of the Salt Lake Valley Solid Waste Management Facility; and

WHEREAS, on May 26, 2021, the Salt Lake Valley Solid Waste Management Council voted to adopt a new fee waiver policy, attached here to as Attachment 1; and

WHEREAS, it has been determined that the best interests of Salt Lake County and the general public will be served by adopting the proposed policy; and

WHEREAS, WHEREAS, pursuant to Sections 3.42.040 and 3.42.073 of the Salt Lake County Code of Ordinances, new fee policies imposed by Salt Lake County agencies may be adopted at any time by resolution of the County Council.

R E S O L U T I O N

NOW, THEREFORE, IT IS HEREBY RESOLVED by the County Council of Salt Lake County that the fee waiver policy proposed by the Salt Lake Solid Waste Management Council regarding waiver of certain fees shall become effective upon adoption of this Resolution.

APPROVED and ADOPTED this ____ day of _____, 2021.

SALT LAKE COUNTY COUNCIL:

By: _____

Steven DeBry, Chair

Date: _____

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Ryan W. Lambert
Deputy District Attorney
Date: June 1, 2021

Council Member Alvord _____
Council Member Bradley _____
Council Member Bradshaw _____
Council Member DeBry _____
Council Member Granato _____
Council Member Newton _____
Council Member Stringham _____
Council Member Snelgrove _____
Council Member Theodore _____

ATTACHMENT 1

SALT LAKE SOLID WASTE MANAGEMENT FACILITY FEE WAIVER POLICY

**SALT LAKE VALLEY SOLID WASTE MANAGEMENT FACILITY
FEE WAIVER POLICY AND GUIDELINES
UPDATED MAY 2021**

The following policy and guidelines relate to fee waiver requests at the Salt Lake Valley Solid Waste Management Facility (the “Facility”) located at 6030 California Avenue, SLC, Utah.

1. Fee Waivers – General

- a. All requests for fee waivers at the Facility are subject to Salt Lake County Ordinance Chapter 3.42.073 (attached hereto as **Exhibit A**) and Salt Lake County Policy 1200 (attached hereto as **Exhibit B**).

2. Procedures for Fee Waivers

- a. Subject to the remaining terms of this Section 2, all governmental agencies or subagencies, i.e., federal, state, county, municipal, special districts, or school districts (individually, a “**Governmental Agency**” or collectively, “**Governmental Agencies**”) and nonprofit organizations (“**Nonprofit Organizations**”) shall be charged applicable disposable fees when disposing waste at the Facility.
- b. In connection with community service projects and pursuant to the terms hereof, Governmental Agencies and Nonprofit Organizations may submit a written request (a “**Fee Waiver Request**”) to the Executive Director of the Facility (the “**Executive Director**”) for a waiver of Municipal Solid Waste fees at the Facility (not including DEQ fees or Salt Lake County Health Department fees).
- c. Any Fee Waiver Request must be submitted to the Executive Director in advance no later than (i) forty-five (45) days prior to the date of the applicable disposal with respect to a Fee Waiver Request by a Governmental Agency, and (ii) ninety (90) days prior to the date of the applicable disposal with respect to a Fee Waiver Request by a Nonprofit Organization.
- d. The Executive Director shall have the authority to forward a recommendation for a Fee Waiver Request by a Governmental Agency or a Nonprofit Organization to the Salt Lake County Council (“**SLCO Council**”) for said council’s approval of Fee Waiver Requests that (i) do not exceed 100 Tons per event, or (ii) in the aggregate, do not exceed 1,000 tons in any calendar year for all Governmental Agencies and Nonprofit Organizations combined. Approval by the Salt Lake Valley Solid Waste Management Council (the “**SWM Council**”) is not necessary in such instances, i.e., the Executive Director has the authority to make such recommendations to the SLCO Council without the approval of the SWM Council.
- e. Any Fee Waiver Request that (i) exceeds 100 Tons per event, or (ii) in combination with all other Fee Waiver Requests in any calendar year, exceeds in the aggregate 1,000 tons per year (i.e., for all Governmental Entities and Nonprofit Organizations) shall require the approval of the SWM Council prior to recommendation to the SLCO Council for its approval.
- f. Notwithstanding anything to the contrary herein, Governmental Agencies and Nonprofit Organizations shall be responsible for all DEQ fees and Salt Lake County Health Department fees at the Facility; it being understood that the same are not subject to fee waiver.

- g. The cost of all fee waivers approved pursuant to the terms hereof shall be borne as follows:
 - i. for fee waivers that relate to refuse collected within Salt Lake City, the costs shall be borne through the dividend process equally (i.e., by a 50/50 split) by Salt Lake County and Salt Lake City through a reduction of the respective dividend each governmental entity receives for the applicable calendar year in connection with the Facility, or alternatively Salt Lake City may pay its share directly to the Facility rather than have said share deducted from Salt Lake City's dividend.
 - ii. for fee waivers that relate to refuse collected in areas of Salt Lake County outside of Salt Lake City, the costs shall be borne 100% by a reduction of Salt Lake County's dividend for the applicable calendar year in connection with the Facility.
- h. Only refuse collected from property located within the boundaries of Salt Lake City or Salt Lake County is eligible for any fee waiver under this policy. In addition, any refuse that is covered by an approved Fee Waiver Request must be delivered to the Facility (as opposed to any transfer station that is managed in connection with the Facility).
- i. The Executive Director will maintain a file of all Fee Waiver Requests under this policy, together with the applicable response.
- j. The submission of any Fee Waiver Request does not guarantee approval. All requests are on a "per event" basis and not for ongoing operations, and must be complete, signed, and accompanied by supporting documentation to be eligible for consideration.
- k. A fee waiver request from an on-site contractor for work at the Facility may be approved by the Executive Director for recommendation to the SLCO Council.
- l. A fee waiver may be granted to a lessee of property at the Facility should such a provision be included in the applicable lease, so long as said lease has been approved by the SLCO Council.
- m. In the event of a natural disaster, a state of emergency, or other circumstance requiring immediate disposal, fees may be waived by the SLCO Council, or otherwise in accordance with Salt Lake County ordinances and policies related to emergencies.

Approved by the Salt Lake Valley Solid Waste Management Council on May __, 2021

Scott Baird, Chair

Approved as to form:

Deputy District Attorney

Exhibit A
(Chapter 3.42.073)

Chapter 3.42.073 - Fees.

A. The deputy mayor or department director shall review and approve a schedule of all fees imposed by divisions within the office or department prior to submission to the county council during the budget approval process.

B. The mayor's office may recommend that the council waive or adjust fees in accordance with the following standards and procedures:

1. A fee imposed by an executive branch department, agency or division may be waived or adjusted by the recommendation of the mayor's office and approval of the council unless that fee is specifically established by state statute or regulation. Fees established by ordinance may only be waived by the council and fees established by state law may only be waived in accordance with state law.

2. Waiver shall be upon good cause shown to contribute to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county residents. Any waiver shall be in writing.

3. Fees such as late fees or service charges may also be waived, based on the standards and processes established in this ordinance.

(Ord. No. 1854, § II, 7-16-2019; Ord. No. 1806, § IV, 2-7-2017; Ord. No. 1673, § I, 4-20-2010)

Exhibit B
(Policy 1200)

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
CONTRIBUTIONS, IN-KIND ASSISTANCE,
AND FEE WAIVERS

Purpose –

The purpose of this policy is to provide guidelines to process requests from nonprofit entities for money, in-kind assistance, and fee waivers for the benefit of Salt Lake County citizens.

1.0 Policy

- 1.1 Salt Lake County may provide money, in-kind assistance, or fee waivers to nonprofit entities if the Council finds that the requested assistance furthers the health, safety, and welfare of county citizens consistent with the County's policy priorities and objectives and subject to budget restraints.
- 1.2 Salt Lake County shall process requests from nonprofit entities in a fair and equitable manner for the benefit of Salt Lake County citizens.

2.0 Definitions

- 2.1 Fee Waiver - Any dismissal of required fees for the use of County facilities, property, buildings, equipment, or personnel services.
- 2.2 In-Kind Assistance – A contribution of resources in the form of services or property.
- 2.3 Nonprofit entity – Any benevolent, artistic, educational, philanthropic, humane, patriotic, social welfare, public health, environmental conservation, civic, or other similar organization that is entitled to tax exempt status under the laws of either the United States or the State of Utah.
- 2.4 Public Purpose - Salt Lake County government's authority or responsibility to promote the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of County inhabitants.

3.0 Procedures

- 3.1 A nonprofit entity may request money, in-kind assistance, or a fee waiver by submitting the appropriate application to the Salt Lake County Council or the Salt Lake County Mayor.
- 3.2 An applicant shall set forth the public purpose for which the assistance is requested. The Council may not approve any request for money, in-kind assistance, or a fee waiver if the assistance will result in commercial gain to an organization or to an individual.
- 3.3 The County Council and the County Mayor may set forth specific criteria for considering applications for money, in-kind assistance, or fee waivers.
- 3.4 The Council and Mayor may respond to applications under this policy within ninety days. If the Council or Mayor fails to respond to an application within ninety days, the application shall be deemed denied.
- 3.5 The Council and Mayor may set forth internal policies, procedures, and practices to process requests for assistance.
- 3.6 Requests for money, in-kind assistance, or fee waivers submitted to the Mayor's Office may be forwarded to the Council with the Mayor's recommendation.
- 3.7 All requests for money, in-kind assistance, or fee waivers must be approved by the County Council prior to disbursement. The Council may not approve a request without making a finding that the money, in-kind assistance, or fee waiver will contribute to a public purpose.
- 3.8 All organizations receiving contributions of more than \$2,500 will be required to submit a "Disbursement of Funds Report" within six months of receipt of the contribution outlining what was accomplished with the funds. The report is to be submitted to the Council and Mayor and any failure to submit the report on a timely basis will subject the organization to potential legal action for recovery of the contributed amounts.

4.0 Audit

- 4.1 The Council or Mayor may request that the Auditor perform a financial or performance audit on the use of any money, in-kind contribution, or fee waiver contributed under this policy. Any audits performed under this policy may occur within two years from the time the disbursement was made.
- 4.2 An applicant shall agree to submit to an audit as described herein as a part of the application. An application for assistance may not be processed or considered for

approval unless the applicant agrees to submit to an audit as provided on the applicable application form.

5.0 Budget Appropriations and Disbursement

- 5.1 Payment of money authorized under this policy shall be made by the Mayor's Office of Financial Administration upon receipt of budget documents establishing that the Council has approved the request in the adopted budget or in a budget adjustment.
- 5.2 Assistance requiring a contract may not be disbursed or provided until the contract has been approved as to form by the District Attorney's Office and entered into by Salt Lake County and the charitable organization.

APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah, this _____
day of _____, 2017.

SALT LAKE COUNTY COUNCIL

By: _____

Steve DeBry, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk
Date: _____

APPROVED AS TO FORM:

Rena Beckstead
Deputy District Attorney
Date: 11-1-17



RECIPIENT ORGANIZATION'S DISBURSEMENT OF FUND REPORT

This report is **REQUIRED** for all **contributions more than \$2,500.**

This report is to be filed with the Council and Mayor's Offices within six months of receipt of the money. If further contributions are desired, the report must be filed with the Council and Mayor by September 1st of each year.

NAME OF ORGANIZATION: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

CONTACT PERSON: _____

PHONE NUMBER: _____ E-MAIL: _____

CONTRIBUTION AMOUNT: _____

DATE RECEIVED: _____

Please describe how the money was spent and how this funding contributed to the success of your organization.

Dated this _____ day of _____, _____. Recipient _____



APPLICATION FOR CONTRIBUTION

NAME OF ORGANIZATION: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

CONTACT PERSON: _____ PHONE NUMBER: _____ EMAIL: _____

ORGANIZATION OVERVIEW (which could include mission, history, and demographics served):

TYPE OF REQUEST: Money _____ In-Kind _____

Have you previously requested money from SLCo? _____

If yes, when and how much (previous three years)? _____

What is the amount of your request? _____

The amount you are requesting is _____ of your annual agency budget.

What is the purpose of the money you are requesting?:

PLEASE ATTACH:

Copy of organizations nonprofit status.

Copy of independent audit. If you do not have one, please enclose a copy of current financial statements.

You will be expected to report to the Salt Lake County Mayor on how the money was used and the success of the project.

The undersigned hereby acknowledges that he or she has authority to bind the organization listed in the application. The applicant accepts the following terms and conditions as a condition of receiving and using County funds or the waiver of fees: County funds will be used solely for the purposes approved by the Mayor of Salt Lake County as applied for in this application. Any expenditure for purposes other than those approved will require a return of the entire grant amount and may disqualify the grantee from receiving any additional County funds. It is further understood that no grant fund will be made available to any County officer or employee or in violation of the requirements of the Public Employees Ethics Act (67-16-1 et seq.). No grant funds will be used for political or campaign purposes. As a further condition of the grant, all County funds may be subject to an audit as required by Salt Lake County. The applicant is required to complete the Disbursement of Funds Report Form for contributions more than \$2,500.

Dated this _____ day of _____, _____.

Applicant _____



APPLICATION FOR FEE WAIVER

NAME OF ORGANIZATION: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

CONTACT PERSON: _____ PHONE NUMBER: _____ EMAIL: _____

ORGANIZATION OVERVIEW (which could include mission, history, and demographics served):

Have you previously requested a fee waiver from SLCo?

If yes, when and for what facility? _____

What fees are you requesting be waived? _____

Fee waiver value \$ _____

Please describe your justification for requesting the fee waiver:

PLEASE ATTACH:

Copy of organization's nonprofit status.

Flyer, invitation or event announcement.

Copy of independent audit. If you do not have one, please enclose a copy of current financial statements.

The undersigned hereby acknowledges that he or she has authority to bind the organization listed in the applicant. The applicant accepts the following terms and conditions as a condition of receiving and using County funds or the waiver of fees: County funds will be used solely for the purposes approved by the Mayor of Salt Lake County as applied for in this applicant. Any expenditure for purposes other than those approved will require a return of the entire grant amount and may disqualify the applicant from receiving any additional County funds. It is further understood that no grant fund will be made available to any County officer or employee or in violation of the requirements of the Public Employees Ethics Act (67-16-1 et seq.). No grant funds will be used for political or campaign purposes. As a further condition of the grant, all County funds may be subject to an audit as required by Salt Lake County. The grantee is required to complete the Disbursement of Funds Report Form for contributions more than \$2,500.00.

Dated this _____ day of _____, _____.

Applicant _____