

# PARK CITY OFFICIALS' HANDBOOK



Prepared by

**CITY MANAGER'S OFFICE**  
**PARK CITY MUNICIPAL CORPORATION**  
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**PARK CITY OFFICIALS' HANDBOOK  
TABLE OF CONTENTS**

<b>INTRODUCTION</b>	3 - 4
<b>SECTION 1 - GENERAL INFORMATION ABOUT PARK CITY</b>	
History of Park City	5 - 12
Codes and policies	13 - 14
<b>SECTION 2 - CITY GOVERNMENT STRUCTURE</b>	
Elected and Statutory Officers	
Mayor & City Council	15
City Manager	15
City Attorney	16
City Recorder	16
City Treasurer	16
City Engineer	16
Chief of Police	16
Organizational Team Chart	17
<b>SECTION 3 - COMMISSIONS, COMMITTEES &amp; BOARDS</b>	
Planning Commission	18
Historic Preservation Board	19
Library Board	19
Recreation Advisory Board	19
Board of Adjustment	20
Board of Appeals	20
Takings Appeal Board	20
Citizens Open Space Advisory Committee	20
Public Art Advisory Board	21
Police Complaint Review Committee	21
<b>SECTION 4 - SERVICE INFORMATION</b>	
Appointment	22
Resignation	22
Orientation/Annual Training	22
Attendance	22
Compensation	23

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 5 - OPERATING PROCEDURES**

Regular Meetings	24
Informal Public Hearings	24
Formal Public Hearing & Procedures	24 - 25
Motions	25
Open v. Closed Sessions (Utah Open & Public Meetings Act)	26
Agenda & Packets	26
Minutes	26
Conflict of Interest/Disclosure Statements	26
Subcommittees	27
Role of Mayor/Chair	27
Area of Interest	27

## **SECTION 6 - RELATIONSHIPS**

Relations with Staff	28
Relations with City Council	28
Relations with the Public/Communication	29
Dealing with the Media	29 - 30
Harassment	30

## **SECTION 7 - EFFECTIVENESS**

Functions & Behaviors	31 - 32
Effective Conflict Management	32 - 33

**APPENDIX A** - Municipal Code Title 3, Ethics

**APPENDIX B** - Harassment Policy

**APPENDIX C** – Cellular Phones & Mobile Devices  
and Information Technology Policies

# **P** ARK CITY OFFICIALS' HANDBOOK

## **INTRODUCTION**

Dear newly elected or appointed official:

This handbook is prepared to aid in orienting newly elected or appointed officials with the functions and activities of their new position. The handbook is designed to contribute to the general knowledge and understanding of public affairs and to aid in fulfilling the responsibilities that have been accepted through the appointment within the framework of Park City's municipal government.

Local government is a business — a public business. It has a mandate to provide vital and public services which are managed by elected and appointed officials. And like any business it is managed with the consumer, in this case the citizenry, always in mind. This municipal government represents a unique combination of characteristics. To mention a few: local governments are legal entities established by their states; their decisions have the force of law within their borders; and as part of the intergovernmental system they share responsibilities with other municipalities in the provision of many public services. Local government is also unique in that it is open to constant examination and scrutiny, plus being constantly accessible to its citizens. And lastly, authority to manage and provide services is not limited to the executive and/or legislative branches; many other officials, elected as well as appointed, share this responsibility.

Members of the City Council and commissions, committees and boards focus upon community needs that require their understanding, dedication, enthusiasm, vision and experience. Council members and advisory body members should consistently maintain open communication and involvement with the public. The City Council has the ultimate political and legal responsibility for the conduct of local government and the welfare of the Park City community.

Commissioners, committee and board members are appointed by the City Council and act as its principal advisors. Appointment signifies the City Council's confidence in your wisdom and judgment, and demonstrates the Council's desire to have the benefit of your guidance during the process of decision making. Your advice will be sought and welcomed by the City Manager and the department manager and staff with which you are affiliated. Participation on a commission, committee or board provides an opportunity to become knowledgeable of the operating policies and challenges of municipal government. It also

## **P** ARK CITY OFFICIALS' HANDBOOK

personifies citizen participation in policy determinations and provides members the opportunity to play a vital role in the communication process between citizens and elected officials.

There should be a coordinated effort between all members of the City Council and the City's commissions, committees and boards as they deal with a variety of conditions, problems and situations related to the community. Satisfaction and a sense of accomplishment will come as interpretations and advice are channeled into action by the City Council, City Manager and City departments. Occasionally recommendations are not accepted by the City Council, however, the rejection of advice in a given situation does not imply lack of confidence or interest in an advisory body's decisions. City Council must weigh the advisory recommendations against other information and considerations as it reaches the decisions for which it is responsible.

Your willingness to donate your time, talents and efforts in serving our community is greatly appreciated and again, I extend my sincere thanks.

Warmest regards,

A handwritten signature in cursive script that reads "Dana Williams".

Mayor Dana Williams

# **P**ARK CITY OFFICIALS' HANDBOOK

## SECTION 1 - GENERAL INFORMATION ABOUT PARK CITY



### HISTORY OF PARK CITY

*(Authored by the Park City Historical Society)*

## Utah before Park City

**40,000 BC** Saber-toothed tigers hunt bison in what is now the Snyderville Basin.

**1600 AD** Indian bands travel the high alpine valleys in search of game.

**1776** The Dominguez-Escalante expedition makes it as far as the Provo valley on their way to California before retreating back to Santa Fe.

**1823** Mountain man Jedediah Smith passes through the Kamas Valley on his way from Wyoming to California.

**1847** Brigham Young and the Mormon settlers pass near the north end of this valley on their way to Salt Lake.

**1850** Parley Pratt's toll road leads from Parley's Park (the present Park City) westerly into the Salt Lake Valley collecting \$1,500 from travelers en route to the California gold fields.

**1862** Brigham Young's "City by the Salt Lake" is booming and Federal troops from California under Colonel Patrick Conner are sent to guard the U.S. Mail and watch over the "Saints", who might side with the Confederacy in the Civil War. Figuring that a strike (a find of valuable ore) would bring in outsiders and dilute the Mormon population, Colonel Conner sends soldiers out prospecting.

**1863** Utah's first mining claim is filed in Bingham Canyon west of Salt Lake Valley.

## **Silver Discovery Draws a Crowd**

**1868** In late October, soldiers climb over the mountains from Big Cottonwood Canyon to the Park City area and find silver. As the snow is swirling and a storm brewing, they mark the outcropping with a bandanna on a stick and return in the spring. The first mine is named Flagstaff. Park City will become known not only for its silver, but for lead, zinc and gold. The Flagstaff Mine is the first to ship ore from the area.

**1869** The Transcontinental Railroad is completed at Promontory, Utah. Laid-off workers, including many Chinese, settle in Parley's Park.

**1870** Parley's Park has a total population of 164.

**1872** George and Rhoda Snyder name the area Parley's Park City, soon shortened to Park City. The discovery of exceedingly rich silver ore (400 ounces to the ton) leads to the opening of the Ontario Mine and starts a boom town atmosphere in Park City. George Hearst, the father of William Randolph Hearst, and his partners buy the Ontario for \$27,000. It will produce over \$50 million in its lifetime.

**1875** A free public school is established.

**1880** The first issue of *The Park Record* rolls off the press. It will be published continuously from this date forward, expanding in the 1990s from one day per week to every Wednesday and Saturday.

**1881** Park City is the third city in Utah to receive telephone service. The typhoid epidemic hits the area. The Catholic Church builds a frame church and names it St. Mary's. Water in the mines is a continuing problem in spite of numerous underground pumps. The Cornish Pump, a machine 30 feet high with a 70-ton flywheel, is imported from Philadelphia by freight wagon. It pumps water from 1,000 feet below the surface in the Ontario Mine, taking out over 4 million gallons of water a day. Later, drain tunnels will replace pumps.

**1882** The Ontario has competition as other discoveries of silver occur. Among the larger ones are the Crescent, the Anchor and the Mayflower.

## **Park City Becomes Official**

**1884** Park City is incorporated and City Hall is under construction (to be finished in 1885).

**1889** The town's population is over 5,000. The city is one of the first in the state to have electric lights.

**1892** Silver King Mine is incorporated. It will prove to be one of Park City's largest producers of silver.

**1893** Because silver is no longer to be used to back currency, silver prices drop. Miners at the Silver King accept a pay cut from \$1 to 50 cents, allowing the mine to continue operating while others remain closed. First drilling contest takes place. In 15 minutes Frank Ward sinks his drill 17.5 inches into the rock. Yearly contests continue to this day as part of Miner's Day (Labor Day) festivities.

**1894** The Silver Queen, Susanna Bransford Emery, is making \$1,000 a day from her interest in the Silver King Mine.

**1896** On statehood day, January 5, Park City has a population over 7,000.

## **Trial by Fire**

**1898** Park City population approaches 10,000. In June, 200 of the 350 structures, homes and businesses burn in the worst fire Park City has ever seen. Three quarters of the town is gone, 500 are homeless, \$1 million in property is lost. Gone is the grand new opera house built at a cost of \$30,000 and open less than three months. Seventeen volunteers leave to fight in the Spanish-American War which forces the price of silver upward.

**1899** The town is rebuilt in one and a half years! The new buildings are more substantial - many are built of brick and stone to withstand fire. George Wanning's saloon is the first to be rebuilt.

**1901** Silver King aerial tramway uses buckets to bring ore down to town, lowering transportation cost to 22 cents a ton from \$1.50 per ton when hauled by horse and wagon. Dick Smith, a nineteen-year-old, received a "blistered bottom" from his mother after he climbed a tramway tower, inched hand-over-hand along the cable and climbed down the ladder of the next tower.



## **P**ARK CITY OFFICIALS' HANDBOOK

**1902** The mines are going strong, with new companies, new buildings and equipment. William Tretheway is honored at a special banquet for his heroism in carrying a case of burning dynamite from the Silver King Mine. On July 15, 34 men from the Daly West Mine die in an explosion of a large underground store of dynamite, which also produces fatal fumes. Considered the worst mine disaster in Park City history, the event prompts adoption of a state law forbidding the underground storage of large amounts of explosives.

**1904** The Miners Hospital is built for the sum of \$5,000 raised by local businessmen and the Western Federation of Miners Local #144. Six thousand miners are treated for "Miner's Con", or silicosis, in the first year.

**1906** One of the first skiers in the area, "Bud" Wright spends the winter on skis toubleshooting as a lineman for the telephone company between Alta, Brighton and Park City.

**1907** Hard times befall the town, with cave-ins and flooded tunnels making mining a poor enterprise. The panic of 1907 affects the whole United States, causing a general recession. However, the economy improves by the end of 1908.

**1916** Heavy snows cause fatal snowslides and the collapse of the famed Dewey Theatre (where the Mary G. Steiner Egyptian Theatre now stands) just hours after 300 patrons finish watching the evening movie.

### **The Great Experiment**

**1917** The prohibition of liquor called "the Great Experiment" begins in Utah, two years before the rest of the nation. Bootleggers abound; stills and home brewing are popular.

**1918** The great influenza epidemic prompts a law requiring anyone on the streets to wear a thick gauze mask or be arrested. Consequently, the impact of the disease is less severe in this area.

**1920** Skiing becomes more widespread as some workers take the mine train to the top of Thaynes Canyon for a ski trip to the bottom of the mountain, the same route which is used in 1964 for the Mine Train Ride which moves skiers up the mountain.

**1921** There are 27 bars in Park City and, despite prohibition, a thirsty soul could buy a drink in all but one of them. Prohibition continues through 1932.

## **P**ARK CITY OFFICIALS' HANDBOOK

**1929** The stock market crashes. Silver King stock plummets from \$12.87 to \$6.50 in one year.; Park Con from \$2 to 27 cents. A rope tow is installed at Snow Park (now Deer Valley).

### **Skiing Starts with a Jump**

**1930** A ski jump is built on the Creole mine dump. Downhill skiers are few and skiing is mostly a spectator sport.

**1931** Alf Engen sets a world record at Ecker Hill by jumping 247 feet. In all, Engen sets five world records at Ecker Hill.

**1934** Ski jumper Calmar Andreasen, hampered by strong crosswinds and hard packed snow, dies from a fall on Ecker Hill.

**1936** The town's first Winter Carnival is a success, with more than 500 skiers arriving in Deer Valley on the ski train - a four hour journey from Salt Lake City.

**1940** Swedes and Finns carry mail over the mountains to Brighton and Alta using very long skis and usually only one pole to control speed.

**1941** December 7th, Pearl Harbor is attacked. Subsequent gas rationing prohibits travel to the Ecker Hill site.

**1946** The first lift is installed at Snow Park (now Deer Valley). Mining prices continue to drop.

### **Ghosts Inhabit Town**

**1949** On July 1, the mines shut down, putting 1,200 miners out of work.

**1951** Park City is included in a book called "Ghost Towns of the West" indicating no population. There are actually 1,150 "ghosts" in town at this time.

**1952** Some mines are opening as mineral prices rise.

**1954** People are leaving town. Welsh, Driscoll and Buck's department store closes after 50 years. The red light district is raided, not an uncommon event.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **Skiing Gives Town a Lift**

**1958** United Park City Mines looks to diversify and starts a feasibility study to begin the Treasure Mountain Resort (now Park City Mountain Resort).

**1963** Park City qualifies for a federal loan from the Area Redevelopment Agency. The government gives \$1.25 million and, with other contributions, a total of \$2 million is used to start Treasure Mountain Resort. A gondola, a chairlift and 2 J-bars are installed. A lift pass costs \$3.50 and there are almost 50,000 skier days logged that first year.

**1965** A mine train takes skiers into a Silver King Mine tunnel then up a shaft to the top of the mountain, but the trip proves too slow to be very popular. As word of the new ski area spreads, people start moving to Park City. Snow Park is open weekends.

**1966** *Sports Illustrated* magazine includes Treasure Mountain Resort's Payday run among the finest ski runs in the country.

**1968** Park West Ski Area (now The Canyons) opens.

**1969** Snow Park closes.

## **Art Hits Main Street**

**1970** First Park City Art Festival debuts on Main Street.

**1976** Kimball Art Center, in the old Eley Garage at 638 Main Street, opens its doors with two galleries, a gift shop, and classrooms.

## **Reinvention**

**1978** On Valentine's Day, Park City is without a working mine for the first time in over 100 years. Despite a rally in the early 80s, mining will be over by 1982. A skeleton crew keeps the water pumped out and the mines open in case the price of metals increases dramatically.

**1979** The Miners Hospital, threatened with demolition, is moved from its site near the base of the Park City Ski Area to the City Park for its new use as the City's public library.

## **P**ARK CITY OFFICIALS' HANDBOOK

**1980** KPCW, Summit County's public radio, goes on the air.

**1981** Deer Valley Resort opens at the site of the old Snow Park area. The United States Film and Video Festival, highlighting independent films, opens in January for the first season in Park City. The festival has since become the Sundance Film Festival.

**1982** After extensive renovation on the old Miners Hospital, a human chain forms a "book brigade" to move the thousands of books in the collection at the original library on Main Street to its new location.

**1984** There are 14 lifts at Park City Ski Area and a day pass is \$26, with 500,000 skier days.

**1986** TV45, Park City's television station, begins broadcasting.

**1990** The estimated year-round resident population is 5,000. Skier days for the three areas are over 850,000.

**1993** Parkites witness the heaviest snowfall in 10 years. The public library moves from the Miners Hospital into the old high school at 1255 Park Ave. The Utah Winter Sports Park (now The Olympic Park) opens.

**1995** Salt Lake City is awarded the 2002 Winter Olympic Games. More than 40% of the events will be held in Park City at the Utah Olympic Park, Deer Valley, and Park City Mountain Resort.

**1996** Silver Mine Adventure opens

**1997** The Canyon Resort (previously Park West Ski Area)

**1999** Property known as Flagstaff Mountain, approximately 1,750 acres located in Deer Valley, is annexed into the corporate City limits.

**2000** Census reveals a population of 7,371 residents in Park City.

**2002** XIX Olympic Winter Games opened in Salt Lake City on February 8, 2002 and closed on February 24, 2002. Approximately 2,400 athletes from 77 nations participated in 78 events in 15 disciplines held throughout 165 sporting sessions. As a host venue city, Main Street was closed to vehicles and turned into a vibrant celebration area programmed with daily entertainment and activities. Main Street housed a technical center for the media, the NBC broadcast center, and sponsors. Deer Valley Resort hosted the slalom

## **P** ARK CITY OFFICIALS' HANDBOOK

and freestyle skiing, Park City Mountain Resort the giant slalom and snowboarding and the Utah Olympic Park, bobsleigh, luge, skeleton, and ski jumping competitions. The Games were financially successful raising more money with fewer sponsors than any prior Olympic Games, which left the Organizing Committee with a surplus of \$40 million at the conclusion of the Games. The surplus was used to create the Utah Athletic Foundation, which maintains and operates many of the remaining Olympic venues.

**2007** Park City receives America's Prettiest Towns Award.

**2010** Officials are surprised by little change in the census number over ten years with the population calculated at 7,558.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **PARK CITY MUNICIPAL CODE**

All ordinances are codified in the Municipal Code of Park City (the “Code”). The Code is designed to protect the health, safety and welfare of Park City citizens. The Land Management Code regulates land uses and is created hereunder as Title 15.

- Title 1 - General Provisions
- Title 2 - Administration
- Title 3 - Ethics
- Title 4 - Licensing
- Title 5 - Government Records Access and Management Act (GRAMA)
- Title 6 - Health, Nuisance Abatement, Noise
- Title 7 - Animal Control
- Title 8 - Criminal Code
- Title 9 - Parking Code
- Title 10 - Motor Vehicle Code
- Title 11 - Building and Building Regulations
- Title 12 - Sign Code
- Title 13 - Water Code
- Title 14 - Trees/Landscaping; Streets; Sidewalks and Stairs; Street Cuts; Snow Removal; and Street Address System
- Title 15 - Land Management Code

As a Commission member, you will be provided with applicable codes and reference materials. See [www.parkcity.org](http://www.parkcity.org) to view and/or print the Municipal Code, Land Management Code, Sign Code, Construction Mitigation, General Plan, Historic District Guidelines and/or Fee Schedule.

## **GENERAL PLAN**

The Comprehensive Plan was adopted by City Council in 1985 and was not substantively amended or replaced until Phase 1 of the General Plan was adopted on March 1997. The Utah Land Use Development and Management Act specifies that municipalities prepare and adopt a comprehensive, long-range general plan to accomplish the purposes of the Act. The City Council recognized the inadequacy of the 1985 Comprehensive Plan and the need to adopt an effective planning tool to address the many planning challenges prompted by the dramatic changes in the community over the past two decades. The City Council also identified the adoption of a new General Plan as a high priority, recognizing public participation as an integral component in the long range planning of the community.

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Elements of the General Plan include Park City Direction, Community Character, Open Space, Land Use, Growth Management, Transportation, Environmental, Housing, Community Economy, Parks and Recreation, Historic Preservation and the Park Bonanza Supplement.

## **LAND MANAGEMENT CODE**

Sound land use legislation promotes the general health and welfare of the present and future inhabitants of the City, protects property values and neighborhoods, and creates an atmosphere attractive to visitors and residents alike. In the early 1980's, Park City was the fastest growing community in the state of Utah which prompted elected officials to enact legislation to protect hillsides, history, and our quaint small town atmosphere.

In January 1983, the City Council adopted the Land Management Code (the "LMC") designed and enacted to implement the objectives of the General Plan. The LMC fully exercises all of the powers granted to the City by the provisions of the Utah Zoning Enabling Act, Utah Code, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The LMC guides the proper and sensitive development of land in a manner consistent with the General Plan, and in a manner to efficiently deliver municipal services. The LMC seeks to prevent development that adds to existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community or diminish the quality of life in our community.

Additional ordinances and policies supporting the philosophy of the original LMC have been adopted and incorporated into the LMC. In October 1991, the Preservation Ordinance was created to set standards for appropriateness of the demolition of historic structures in an effort to preserve and enhance the Historic District's building stock which is integral to the character of our community. The Park City Historic Sites Inventory and revised Design Guidelines were adopted in 2009 and are intended to guide development and to protect the aesthetic values of the Historic District by categorizing the significance of historic properties and establishing consistent architectural styles and building materials. In September 1992, a Sensitive Lands Ordinance was established to better regulate development on Park City's hillsides, wetlands, and environmentally sensitive areas.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 2 CITY GOVERNMENT STRUCTURE ELECTED AND STATUTORY OFFICERS**

### **CITY COUNCIL/MAYOR**

Park City voters elect the Mayor and five of their fellow citizens at large to serve on the City Council. The Mayor presides at City Council meetings and votes only in the event of a tie. The Mayor Pro Tem and Alternate Mayor Pro Tem are appointed annually by the City Council; those positions have voting privileges in all circumstances.

The City Council is the legislative body of the City enacting laws and formulating policies through ordinances and resolutions. The Council acts as the board of the Redevelopment Agency, Municipal Building Authority, Water Service District and Housing Authority. It also acts as an appellate body for decisions made by the Planning Commission. Other responsibilities and functions of City Council include:

- ◆ Adopting a fiscally sound annual City budget and two year financial plan that provides for municipal operations and services, plans and prioritizes capital projects, and identifies funding sources;
- ◆ Appointing members to advisory committees, commissions and boards;
- ◆ Serving individually as liaisons to outside boards, inter-local groups; and/or internal task forces and boards;

The Mayor is the chief executive of the City, officially represents the City on public and ceremonial occasions, executes and authenticates legal instruments/documents of the City, and exercises all other duties and such powers as are conferred upon him by ordinance.

### **CITY MANAGER**

The City Manager is appointed by the Mayor with the advice and consent of the City Council and is the chief administrative officer of the City. It is the City Manager's responsibility to manage, direct and coordinate the municipal services and business affairs of the City. The Manager is responsible for the enforcement of all ordinances passed by the City Council and directs the various departments in the execution of Council policies. In order to keep the Council advised of the needs of the City, the City Manager makes or initiates studies on a multitude of issues and presents alternative recommendations and solutions to the City Council. The City Manager also prepares and presents the annual budget to the Council for its review and adoption.



# **P** ARK CITY OFFICIALS' HANDBOOK

## **CITY ATTORNEY**

The City Attorney is appointed by the Mayor with the advice and consent of the City Council and is an employee of the City. The City Attorney acts as legal advisor to the City Council, City Manager, staff, and all City commissions, committees and boards. The Legal Department represents the City in all related litigation and prosecutes violations of City laws.

## **CITY RECORDER**

The City Recorder is appointed by the City Manager, with the approval of the Mayor and City Council, and is an employee of the City. The City Recorder is responsible for the care and custody of all official records and documents of the City and its related agencies and also assists staff and the public in researching information. Municipal elections are handled by the City Recorder's Office.

## **CITY TREASURER**

The City Treasurer is appointed by the City Manager, with the approval of the Mayor and City Council. The Treasurer is an employee of the City and advises and assists the City in regard to all financial matters and transactions.

## **CITY ENGINEER**

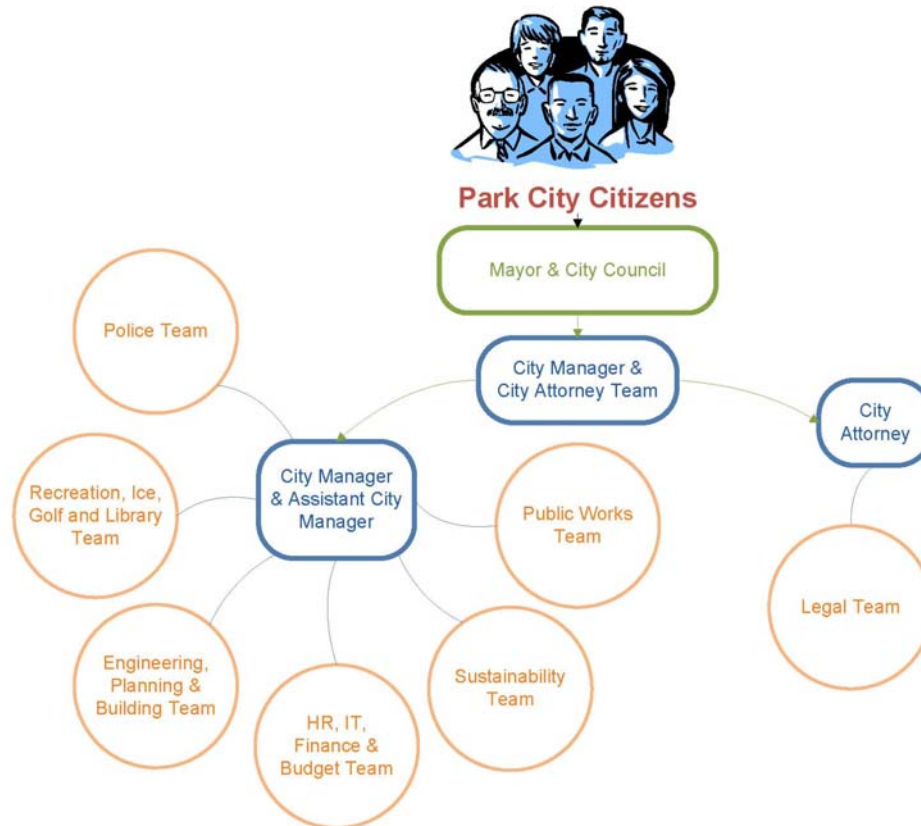
The City Engineer provides the necessary engineering services required by the City and is appointed by the City Manager and is an employee of the City. The City Engineer is appointed on the basis of his administrative and technical qualifications.

## **CHIEF OF POLICE**

The Chief of Police is appointed by the City Manager pursuant to the laws of the state of Utah and is an employee of the City. It is the duty of the members of the Police Department to enforce all laws of the City and all applicable statutes of the state, to preserve order, prevent infractions of the law and arrest violators, to serve and execute any process directed to the Chief of Police.

# **P**ARK CITY OFFICIALS' HANDBOOK

## ORGANIZATIONAL TEAM CHART



## PARK CITY REDEVELOPMENT AGENCY

The Redevelopment Agency is a financing mechanism used to revitalize the commercial and residential heart of the community and to prevent economic decline. The Agency operates under a formal Redevelopment Plan to guide its activities and projects.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 3 COMMISSIONS, COMMITTEES & BOARDS**

The City Council is assisted by eight citizen advisory commissions, committees and boards. With the exception of the three appellate bodies - Board of Adjustment, Takings Appeals Board and Board of Appeals, these advisory bodies are charged with the following responsibilities:

- ◆ Meet on a regular or as needed basis, as prescribed by the City Council and its ordinances;
- ◆ Advise the City Council and the City Manager on matters within their area of responsibility and role, as prescribed by the City Council and its ordinances;
- ◆ Act as channels of communication and information between the City Council, the general public, and specific interest groups;
- ◆ Reach consensus and provide direction toward achievement of city-wide goals and objectives;
- ◆ Encourage and solicit broad citizen participation in the definition and formulation of City goals and actions for their achievement; and
- ◆ Balance community wants with municipal responsibility and resources.

### **PLANNING COMMISSION**

The Commission acts as a non-political, long range planning body for Park City. Review of specific projects is limited to matters requiring their consideration. The scope of these reviews is outlined in the Land Management Code and includes: general plan review, annexation review, subdivision approval, subdivision and record of survey plat and plat amendment review, master planned development approval, conditional use permit approval, appeals of staff decisions, termination of inactive applications, and sensitive land review.

The Planning Commission is a seven-member board, whose members are appointed in July with four year staggered terms. It meets on the second and fourth Wednesday of each month.

# **P** ARK CITY OFFICIALS' HANDBOOK

## **HISTORIC PRESERVATION BOARD**

This board is created pursuant to Utah Code to preserve and encourage design preferences that reflect Park City's mining heritage according to Park City's Land Management Code and Historic District Design Guidelines.

The Historic Preservation Board consists of seven members who serve three year terms expiring on May 1. Meetings are held the first and third Monday of each month when there is pending business.

## **LIBRARY BOARD**

The Library Board of Trustees works in partnership with the Library Director, evaluates library services and community needs, establishes library policies, and sets goals to be implemented by the director and staff. Board members inform others about library services, needs, and accomplishments to foster a positive public image and build community support.

By state statute, the Board may consist of not less than five members and not more than nine members. Members are appointed for three year staggered terms in July and may not serve more than two consecutive terms. Meetings are held the second Wednesday of the month.

## **RECREATION ADVISORY BOARD**

The Recreation Advisory Board advises City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council refers particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council's referral of a matter to the Board. The Board also acts as a sounding board for new recreation policies and programs. It hears initial proposals by the public for new programs and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board informs the City Council of the matter and requests direction on how to proceed and the timing priority of the new matter.

The Recreation Advisory Board has a membership of up to seven members who serve four year terms. Meetings are held on the first Tuesday of the month.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **BOARD OF ADJUSTMENT**

The Board of Adjustment is created to hear four classifications of cases involving land use, including LMC variance applications, modifications of non-conforming uses, appeals of determinations by the staff, appeals of the Historic Preservation Board, and special exceptions from the LMC.

The Board of Adjustment is a five member board, with an additional alternate position in the event of an absence and a non-voting Planning Commissioner. Members serve five year terms that expire June 1. Meetings are held at on the first and third Tuesday of each month when there is pending business.

## **BOARD OF APPEALS**

The Board of Appeals is a technical board; members are qualified by experience and/or training to consider matters pertaining to building construction and the Uniform Building Code, the Code for the Abatement of Dangerous Buildings and the Uniform Housing Code. The Board of Appeals has three members. The Chief Building Official is an ex-officio member. Meetings are held upon request.

## **TAKINGS APPEAL BOARD**

This Board is created pursuant to state statute to hear appeals of property owners who feel that the City has taken action resulting in a “constitutional taking” of their property. The Board is comprised of three members and an Alternate. The City Manager appoints three members of the current Board of Adjustment to serve as the Takings Appeal Board. If, at any time, three members of the Board of Adjustment cannot meet, the City Manager is authorized to appoint sufficient members to fill any vacancies.

## **CITIZENS OPEN SPACE ADVISORY COMMITTEE**

With the passage of general obligation bonds for the acquisition of open space over the past several years, the City Council formed a Citizen Open Space Advisory Committee. Members are selected based on expertise and interest and are charged to make recommendations to the City Council on purchasing open space properties within the parameters of associated bond revenues. The Board membership is at the discretion of City Council.

# **P** ARK CITY OFFICIALS' HANDBOOK

## **PUBLIC ART ADVISORY BOARD**

The function of the Public Art Advisory Board is to perform an assessment of Park City's cultural art needs, create a public art plan, procure more funds for art, establish guidelines for public art, process and review art and ultimately make recommendations to the City Council on art projects, programs, and funding. The board is administered by the Park City Summit County Arts Council. Members serve two-year staggered terms and meetings are held on the second Monday of the month.

## **POLICE COMPLAINT REVIEW COMMITTEE**

The purpose of the Park City Police Complaint Review Committee is to act in the capacity of an appeals body to review formal complaints filed against police personnel and/or police procedures. The Committee provides recommendations to the Chief of Police on complaints reviewed. Membership consists of five members; three citizens from the community at large and two City staff members.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 4 SERVICE INFORMATION**

### **APPOINTMENT**

The Mayor and members of the City Council are elected officials as established by Utah State Code. Some boards and commissions are also statutory in nature. Applications are submitted to the Mayor's office and are forwarded to the City Council for review. Appointments are formally made at a regularly scheduled City Council meeting.

### **RESIGNATION**

If a Council member or Mayor resigns from office before the end of their term, that vacancy is filled pursuant to the procedures contained in the Utah State Code and Election Law. If a member of a commission, committee board resigns from office before the end of his or her term, a letter of resignation should be rendered to the Mayor.

### **ORIENTATION, ANNUAL TRAINING & PROFESSIONAL DEVELOPMENT**

City staff provides an annual orientation session for new appointees and also provides seminars on pertinent topics as the need arises. Members are encouraged to attend training sessions, professional development and educational conferences in their respective fields that are designed to improve understanding.

The City encourages members to attend professional development and educational conferences. Upon prior approval, the City will reimburse some or all of a member's costs associated with attending such conferences.

### **ATTENDANCE**

Regular attendance at meetings is critical to the success and effective operation of any commission, committee or board. Regular attendance ensures a steady flow of communication and keeps everyone abreast of current topics under discussion. Any board member who is absent from two consecutive regularly-scheduled meetings or a total of four regularly scheduled meetings per calendar year may be removed by motion of the City Council.

When a member is unable to attend a meeting, staff should be notified 24 hours in advance of the meeting. In the case of a personal emergency or illness, an absence is considered excused if prior notice is given to the commission, committee or board secretary.

# **P** ARK CITY OFFICIALS' HANDBOOK

## **COMPENSATION**

Compensation for services rendered in an official capacity is provided to the Mayor and members of the City Council, Planning Commission, the Historic Preservation Board and the Board of Adjustment in the manner of a per meeting allowance as established by ordinance. Service on other commissions and boards is voluntary. Members are paid once a month and are compensated only for meetings attended.

Compensation is intended to cover the usual costs incurred in the conduct of official City business for elected and appointed officials. When official business requires air travel or overnight stays, members will be reimbursed for pre-approved tickets, meals, lodging and other expenses incurred in the conduct of such official business.



# **P** ARK CITY OFFICIALS' HANDBOOK

## **SECTION 5 OPERATING PROCEDURES**

### **REGULAR MEETINGS**

Regular meeting times and locations for the City Council, and City commissions, committees and boards are generally established each January. A quorum of members must be present in order to hold a meeting. Proper meeting notice will be given by the City Recorder or affiliated department staff.

### **INFORMAL PUBLIC HEARINGS**

An informal public hearing is one which is not required by law but is provided to give the public an opportunity to comment on an issue. The commission, committee or board can set rules for notifying the public of an informal hearing, establish a time frame, and conduct the hearing in any fair way it chooses.

### **FORMAL PUBLIC HEARINGS & PROCEDURES**

A formal public hearing is one that must be conducted according to state laws or City ordinances and is designed to solicit comment from the general public. Notices of formal public hearings are published in advance in the *Park Record*.

Hearings held by the City Council or an advisory body should be fair and impartial. Persons and/or groups who may be affected by the subject of the hearing should be given sufficient notice of the time and place of the hearing and a reasonable opportunity to be heard. The applicant or any interested person may be represented by counsel and may be permitted to present oral and documentary evidence. Speakers may also be permitted an opportunity to rebut any statements made by others, time permitting.

At the appropriate time, the Mayor or Chair should open the hearing and explain to those in attendance the hearing procedures. If there are numerous persons who would like to participate, and all represent the same views and opinions, the Mayor or Chair may ask that a spokesperson be selected to speak for the group. If this arrangement cannot be made, the Mayor or Chair may restrict each speaker to a limited time (generally three minutes) so all may be heard. Irrelevant and off-the-subject comments should be ruled out of order by the Mayor or Chair.

The usual procedure after the hearing has been opened is for staff to present a staff report, followed by board member questions relating to the report. Proponents should be given the

# **P** ARK CITY OFFICIALS' HANDBOOK

opportunity to present their case first. Opponents should then be given the opportunity to present their case. After all interested persons have had an opportunity to speak, the hearing is closed, ending audience participation. Council, commission, committee or board members may discuss the issue before them and ask questions of staff or clarify information. A summary of commission, committee and board decisions and recommendations is prepared by staff and the matter is forwarded to the City Council for its consideration, if City Council action is required.

## **MOTIONS**

When a member wishes to propose an idea for the body to consider or take action on, the member must make a motion. A motion goes through the following steps:

- ◆ The member asks to be recognized by the Mayor/Chair.
- ◆ After being recognized, the member makes the motion e.g. “I move.... or “I would like to make a motion to.....”
- ◆ Another member seconds the motion.
- ◆ The Mayor/Chair restates the motion and asks for discussion.
- ◆ When the Mayor/Chair feels there has been sufficient discussion, the debate is closed e.g. “Is there any further discussion?”
- ◆ If no one asks for permission to speak, the Mayor/Chair puts the motion to vote.
- ◆ After the vote, the Mayor/Chair announces the decision e.g. “The motion carried” or “the motion fails” as the case may be.

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the Chair restates the motion so it is clear what members are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the Chair to divide the motion. If other members do not object, the Mayor/Chair may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **OPEN v. CLOSED SESSIONS (UTAH OPEN & PUBLIC MEETINGS ACT)**

All City council, commission, committee and board meetings are subject to the requirements of the Utah Open and Public Meetings Act, U.C.A. § 52-4-1 et al. ("The Act"). The Act requires all meetings to be open to the public unless closed pursuant to specific exceptions outlined in the Act. Those exceptions deal with litigation, purchase of real property, personnel matters, security, and/or criminal investigations. The City Attorney provides a written memorandum explaining the justification for convening a closed session. Any questions regarding open and closed meetings should be directed to the Legal Department.

## **AGENDAS AND MEETING PACKETS**

Goals and priorities are typically formulated by most boards and commissions at their annual workshops. Meeting business reflects the process for proceeding with various applications submitted to the City and/or requests from the Mayor or Chair. Agendas and complete digital meeting packets are available for review on the City's website at [www.parkcity.org](http://www.parkcity.org). Meeting information should be provided by staff to board members for review within a reasonable amount of time before the meeting. In order to be prepared for meetings, members should read the contents of these packets and contact staff if they have any questions prior to the meeting.

## **MINUTES**

Written minutes, upon approval by the body, constitute the official record of its business. Additions and corrections to the minutes should be made at time of approval at public meetings and not by the private request of individual members.

## **CONFLICT OF INTEREST/DISCLOSURE STATEMENTS**

Title 3, Ethics, of the Municipal Code of Park City governs members' conduct and prosecution for ethical violations. In particular, the Code requires that all officials disclose on record any financial or personal interest in a matter before the body and affidavits are filed with the City Recorder. All Council, commission and board members should become familiar with Title 3 of the Code which is attached as Appendix B. Any questions regarding this section should be directed to the City Attorney. Any member may request a formal opinion from the City Attorney regarding the applicability of the Code to a particular situation.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SUBCOMMITTEES**

In certain instances a board may determine that it is necessary to form a subcommittee to study a particular issue in detail.

- ◆ A subcommittee may be formed but may not be composed of a majority of members.
- ◆ Appointments to the subcommittees are made by the consensus of the body.
- ◆ A subcommittee is a temporary committee which normally lasts no longer than six months.
- ◆ Immediately following the completion of the particular study and presentation of recommendation(s) to the Council, commission, committee or board, the subcommittee must be disbanded.

## **ROLE OF MAYOR/CHAIR**

It is incumbent upon the Mayor/Chair to ascertain the purview of his or her body and to limit the discussion and deliberations to the specified areas of responsibilities. The Mayor/Chair is also responsible for executing associated documents adopted by the body.

The Mayor/Chair should encourage ideas, guide discussions in an orderly manner and facilitate the overall decision making process. He/she should clarify ideas as they are discussed and repeat motions made so that all members fully understand the wording of the item on which they are voting.

A City body is composed of a diverse group of people and it is inevitable that not everyone will agree on an issue, however, all efforts should be made to maintain open minds and amicable relations among individual members. Personality conflicts hamper an organization's effectiveness. In the event that a personality conflict does arise between individual members, it is the Mayor/Chair's responsibility to try to mediate and resolve the problem.

## **AREA OF INTEREST**

When a commission, committee or board is established by the City Council, the specific duties of that body are set forth in the ordinance that creates it. The advisory body is limited to the consideration of those matters which are specifically assigned to its jurisdiction. In special or unusual circumstances, when interest spreads into any area beyond its general purview, the commission, committee or board should formally request specific authorization from the City Council to consider the matter.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 6 RELATIONSHIPS**

### **RELATIONS WITH STAFF**

Most matters before the Council or an advisory body are accompanied by a staff report recommending a course of action. It is not expected that every staff recommendation will be followed, but based on the technical knowledge of staff, considerable weight should be given to staff proposals and recommendations. The Council, commission, committee or board may choose to agree or disagree with a staff recommendation.

The City Council expects that a mutually respectful and professional relationship is maintained between the staff and the commission, committee or board. The effectiveness of an advisory body could be hampered by internal tension and personality conflicts. In the event a conflict arises between an individual member and the staff, the member should approach the Chair to mediate the conflict. If the problem cannot be solved at the board level, the Chair should approach the head of the department affiliated with that particular board or brought to the attention of the City Manager. However, it should be emphasized that every effort should be made to maintain a respectful and professional relationship with staff in order to facilitate and enhance the body's operation and effectiveness.

### **RELATIONS WITH CITY COUNCIL**

Except for appellate bodies (Board of Adjustment, Board of Appeals, and Takings Appeals Board), the primary responsibility of commissions, committees and boards is to advise and make recommendations to the City Council. It is the Council's role to consider the advice and recommendations offered by numerous sources and to make decisions to the best of its ability. The City Council is often in the position to see the broader context of an issue and may not always follow the recommendations offered by individual commissions.

Business transacted with the Council should be in writing from the body as a whole and forwarded through staff. The City Manager will review all reports, findings and recommendations and share them with the Council.

Whenever a commission, committee or board has a substantive item before the City Council, a representative of that body should be present at the Council meeting. When a member of an advisory body addresses the City Council at a public meeting, it should be made clear whether he or she is speaking on behalf of the advisory board or personally as an individual citizen.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **RELATIONS WITH THE PUBLIC AND COMMUNICATION**

Members are encouraged to consider public opinion relating to the matters that come before them. Members should welcome citizen input at meetings and ensure that the rules and procedures for public hearings are clearly understood. Members should conduct themselves at public meetings in a manner that is fair, understanding and gracious. Members should be considerate of all interests, attitudes and differences of opinion. The principle of impartiality should always be observed.

### **DEALING WITH THE MEDIA**

This section is intended to help you recognize the public relations element in all things your local government does and to help you make certain that your responsibilities are met in a way which will bring credit to you and your city, while advancing your city's programs for the common goal.

Local governments differ considerably from private business and the corporate enterprise when dealing with public relation programs. The local government is a legal entity rigidly prescribed by law and restricted to limited and specified powers. These safeguards and restrictions may prompt a public impression of slowness and an impression this slowness stems from inefficiencies rather than from legal circumscription. Obviously, the effect on the citizen is negative and constitutes a serious problem in public relations. Ordinary citizens see their city in a restrictive role such as taking money for taxes, requiring them to secure permits, causing proper maintenance of property, traffic tickets, etc. It is no wonder that the ordinary citizen occasionally gets upset with city hall. On the other hand, the city does a great deal that is nonrestrictive. How much do your citizens know about your successful recreation program, the improved street drainage system, or reduced fire insurance rates? The public official is responsible for informing citizens of all local government programs and activities which enhance their quality of life.

There are some double standards for business vs. government that should be noted. Higher standards are required of government, and they are often reflected in the behavior pattern the public expects of government officials. If a business executive is arrested for drunkenness, he might escape with a fine. Let a public official face a similar charge and it could result in dismissal from office. Citizens not only accept but expect the practice of publicity and advertising on the part of business but may regard public government information activities as wasteful of taxpayers' money and may consider it as "propaganda." The philosophy of public relations is conditional, particularly by the distinctions mentioned.

Whether local government officials like it or not, the news media is the most often relied upon source of citizen information concerning city programs and services. Even with the

# **P**ARK CITY OFFICIALS' HANDBOOK

use of newsletters, press releases, neighborhood meetings, etc., the news media contributes the most — or the least — to the public's understanding of the complex issues facing cities today. It is, therefore, important for local officials to develop and maintain a good working relationship with the news media and be cognizant of ways in which it can be accomplished.

It is important to work *with* the media and attitude is critical. The next most important thing is actively providing current information to the media on issues of interest. Another avenue is holding a news conference for *hard news*, with a word of warning — don't call a news conference unless you have a solid story.

Despite inherent adversarial attitudes between public officials and the media, good working relationships can be affected. We both exist to serve our communities and we both share a common goal of wanting to build a better community. It may take some effort to reach a mutually satisfactory working relationship, but the rewards are bountiful for all concerned — the public official, the media and especially the community.

## **HARASSMENT**

Sexual harassment of employees is prohibited by Park City Municipal Corporation. The City enforces a formal policy that is available in the Legal and Human Resources Departments. A copy of the City's Sexual Harassment Policy is included in this handbook as Appendix C. All members of the City Council, commissions, committees and boards should be familiar with this policy and will be held accountable for any actions which violate it. Sexual harassment means unwelcome sexual advances, requests for favors and other repeated offensive verbal or physical conduct of a sexual nature when:

- ◆ Submission to such conduct is made either explicitly, or implicitly, a term or condition of an individual's employment;
- ◆ Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Violation of this policy may be cause for removal of any member. Any questions regarding the policy or its application should be directed to the City Attorney's Office.

# **P**ARK CITY OFFICIALS' HANDBOOK

## **SECTION 7**

### **COMMISSION, COMMITTEE & BOARD EFFECTIVENESS**

Advisory bodies exist to complete certain tasks and to achieve specific goals. A commission, committee or board is a set of individuals held together by a web of common interest and feelings. The nature and intensity of these feelings set the “climate” of the advisory body at any given moment. A positive climate encourages member involvement and responsibility to take actions. Optimum participation is achieved when members are encouraged to freely contribute their thoughts, ideas and feelings in an atmosphere free from internal group strife which interferes with carrying out tasks and achieving goals. Accordingly, members should keep tasks and goals clearly defined and visible.

### **FUNCTIONS & BEHAVIORS**

Effective commission, committee and boards usually pay attention to the following functions and behaviors:

- ◆ Prioritizing tasks
- ◆ Anticipating problems
- ◆ Analyzing problems
- ◆ Setting clear objectives
- ◆ Developing actions and options
- ◆ Decision-making
- ◆ Active listening
  - Not interrupting
  - Listening to feelings/opinions
  - Not judging others
  - Summarizing and feeding back
- ◆ Supporting your colleagues
  - Accepting their ideas
  - Showing warmth
  - Creating opportunities to involve members
  - Building on members' ideas
  - Encouraging different ideas
- ◆ Confronting what's happening
  - Questioning your and others assumptions
  - Dealing directly with conflict
  - Focusing attention on the ideas, not the person



# **P**ARK CITY OFFICIALS' HANDBOOK

- ◆ Using diagnosis skills
  - Think about how you are working together
  - Check who isn't involved
  - Think about what isn't being discussed
  - Determine where your help is needed
  - Determine when YOU are going to help

## **EFFECTIVE CONFLICT MANAGEMENT**

Public hearings or citizen input meetings are difficult to manage. Participants are usually highly motivated and often nervous. When you have a group of potential adversaries in one room, the possibility of uncontrolled conflict is very high. As a board member, one of your primary responsibilities is to guide conflicts to positive results, not to eliminate them, which is usually not possible.

The following suggestions should help manage conflict and confrontation effectively:

- ◆ Anticipate conflicts by doing your homework so you can concentrate on the dynamics of the meeting rather than learning about the topic at hand;
- ◆ Treat all sides fairly. Set the rules of the hearing early and make sure everyone abides by them without exception.
- ◆ Explain the purpose of the public hearing and what action is expected at the conclusion of the hearing. Insistence on playing by the rules is your best tool for conflict management in public hearings.
- ◆ All persons speaking must clearly identify themselves, not only for the record, but also so that you may address them by name.
- ◆ Set an acceptable time limit for testimony (generally three minutes) and stick to it.
- ◆ Make decisions as promptly as possible. Many meetings get so bogged down in procedural distractions, petty details, and endless searches for more information that the issue never seems to get resolved.
- ◆ Try not to overreact to inflammatory comments. Most are expressions of frustration and do not require answers. Try to turn frustration to constructive avenues. Ask questions. Be specific if you can. Refer to the speaker by name. Reinforce areas where you agree. Do not return insult for insult. Your insults can turn the audience against you for your lack of control and fairness.

## **P** ARK CITY OFFICIALS' HANDBOOK

- ◆ Try to avoid speaker-to-audience conversation. The purpose of a public hearing is to help your board act, not to engage in debate.
- ◆ If other members have questions of the speaker, permit these questions only during the speaker's time at the podium.
- ◆ Be careful not to prejudge the action of the board. Use the hearing to gather necessary information about the project and individual desires concerning the proposal or issue. Members should not express their views on the proposal or issue until the testimony has ended. Their comments and questions should not suggest a position one way or another.
- ◆ Once testimony has ended, each member should be invited to discuss their views on the proposal.
- ◆ View the public hearing as an example of basic democracy in action at a local level. Make it your personal goal to make the public hearing work.

**PARK CITY MUNICIPAL CODE  
TABLE OF CONTENTS  
TITLE 3 - ETHICS**

---

**TITLE 3 - ETHICS**

**CHAPTER 1 - CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES;  
RESPONSIBILITY OF PUBLIC OFFICIALS** .....

3- 1- 1.	DECLARATION OF POLICY.....	3-1
3- 1- 2.	FAIR AND EQUAL TREATMENT .....	3-1
3- 1- 3.	AGENTS OF PUBLIC PURPOSE.....	3-2
3- 1- 4.	GIFTS; USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED.....	3-2
3- 1- 5.	USE OF PUBLIC PROPERTY .....	3-3
3- 1- 6.	EX PARTE COMMUNICATIONS .....	3-3
3- 1- 7.	CITY ALLEGIANCE AND PROPER CONDUCT.....	3-4
3- 1- 8.	AVOIDANCE OF IMPRESSIONS OF CORRUPTIBILITY .....	3-4
3- 1- 9.	POLITICAL ACTIVITY OF MUNICIPAL OFFICER OR EMPLOYEE .....	3-4
3- 1- 10.	LATER CASE INTEREST; FUTURE EMPLOYMENT .....	3-5

**CHAPTER 2 - DISCLOSURE; CONFLICTS OF FINANCIAL INTEREST**.....

3- 2- 1.	PURPOSE.....	3-6
3- 2- 2.	CONFLICT OF INTEREST CODE .....	3-6
3- 2- 3.	DEFINITIONS.....	3-6
3- 2- 4.	CONFLICT OF INTEREST DISCLOSURE IN LEGISLATIVE ACTION .....	3-8
3- 2- 5.	PREACQUISITION OF INTEREST; INTEREST IN CONTRACT OR TRANSACTION .....	3-8
3- 2- 6.	DISCLOSURE OF INFORMATION.....	3-9
3- 2- 7.	PUBLIC CONTRACTS.....	3-9
3- 2- 8.	EXCEPTIONS TO CHAPTER.....	3-9
3- 2- 9.	COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING CITY - PUBLIC DISCLOSURE AND FILING REQUIRED .....	3-10
3- 2-10.	INTEREST IN BUSINESS ENTITY REGULATED BY MUNICIPALITY - DISCLOSURE STATEMENT .....	3-10
3- 2-11.	COMPLAINTS CHARGING VIOLATIONS - PROCEDURE	3-

10

**CHAPTER 3 - CAMPAIGN DISCLOSURE** .....

3- 3- 1.	PURPOSE.....	3-10
3- 3- 2.	DEFINITIONS.....	3-10
3- 3- 3.	SEPARATE BANK ACCOUNT REQUIRED. ....	3-12
3- 3- 4.	CONTRIBUTION TO CANDIDATES - LIMITATIONS.....	3-12

**PARK CITY MUNICIPAL CODE**  
**TABLE OF CONTENTS**  
**TITLE 3 - ETHICS**

---

3- 3- 5.	CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED .....	3-13
3- 3- 6.	DISPOSITION OF SURPLUS CAMPAIGN FUNDS .....	3-14
3- 3- 7.	FAILURE TO FILE CAMPAIGN FINANCE STATEMENT..	3-15
3- 3- 8.	NOTIFICATION BY ELECTION OFFICIAL .....	3-15
3- 3- 9.	PUBLIC INSPECTION .....	3-15
3- 3- 10.	CIVIL ACTION.....	3-15
<b>CHAPTER 4 - WRITTEN ADVISORY OPINIONS .....</b>		<b>3-17</b>
<b>CHAPTER 5 - ENFORCEMENT; PENALTIES .....</b>		<b>3-17</b>
3- 5- 1.	ENFORCEMENT .....	3-17
3- 5- 2.	PENALTIES .....	3-17



**TITLE 3 - ETHICS**

*Adopted Ord. 91-22; Amended Ord. 95-38;  
Amended/Reorganized Ord. 01-26*

**CHAPTER 1 - CODE OF ETHICS FOR  
OFFICIALS AND EMPLOYEES;  
RESPONSIBILITY OF PUBLIC  
OFFICIALS**

**3- 1- 1.       DECLARATION OF  
POLICY.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all City officials and employees, whether elected or appointed, paid or unpaid.

The purpose of this Chapter is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the City.

The provisions of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interest of the City and for the protection of the public health, safety and welfare of its citizens.

**3- 1- 2.       FAIR AND EQUAL  
TREATMENT.**

(A)       **INTEREST IN APPOINTMENTS.**

The canvassing of members of the City Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to municipal service, shall disqualify the candidate for appointment except with reference to positions filled by appointment by the City Council or the Mayor with the consultation of the City Council.

(B)       **DISCRIMINATION IN  
APPOINTMENTS.**

No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person 's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.

(C) **OBLIGATIONS TO CITIZENS.**

No City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**3- 1- 3. AGENTS OF PUBLIC PURPOSE.**

City officers and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold and impartially carry out federal, state and City laws. They are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public interests must be their primary concern, their conduct in both their official and private affairs should be above reproach.

**3- 1- 4. GIFTS; USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED.**

No City officer or employee shall knowingly accept any economic benefit tantamount to a gift which creates a conflict of financial interest and is given by any person, firm or corporation which to his or her knowledge it interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No City officer or employee shall accept any economic benefit tantamount to a gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission, board or committee, or a City agency.

(A) As used in this section Aeconomic benefit tantamount to a gift@ includes:

(1) A loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

(2) Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

(B) It is an offense for an elected or appointed officer or City employee to:

(1) disclose or improperly use private, controlled, or protected information acquired by reason of his or her official position or in the course of official duties in order to further substantially the officer ' s or employee ' s personal economic interest or to secure special privileges or exemptions for himself or others;

(2) use or attempt to use his or her official position to:

(a) substantially further the officer ' s or employee ' s personal economic interest; or

(b) secure special privileges for himself or herself or others; or

(3) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a bribe, gift of substantial value, or a substantial economic benefit tantamount to a gift that:

(a) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(b) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(C) **EXCEPTIONS.** Subsection (B)(3) does not apply to:

(1) an occasional nonpecuniary gift having a value of less than \$50;

(2) an award publicly presented in recognition of services;

(3) any bonafide loan made in the ordinary course of business;

(4) a political campaign contribution; or

(5) any gift which would have been offered or given to a person if he or she were not a City officer or employee.

**3- 1- 5. USE OF PUBLIC PROPERTY.**

No City officer or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official City business.

**3- 1- 6. EX PARTE COMMUNICATIONS.**

(A) No City officer or employee who has the power to act on a pending quasi-judicial matter shall encourage, make or accept any ex parte or other unilateral application or communication that includes the interests of other parties in a quasi-judicial matter under consideration when such application or communication is designed to influence the official decision or conduct of the officer or other officers, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him or herself or others. The purpose of this provision is to guarantee that all interested parties to any quasi-judicial matter shall have equal opportunity to express and represent their interests.

(B) Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

(C) Any oral ex parte communication received under such conditions should be

written down in substance by the recipient and also be made a part of the record.

(D) A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

**3- 1- 7. CITY ALLEGIANCE AND PROPER CONDUCT.**

(A) **INCOMPATIBLE EMPLOYMENT.** No City officer or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of those duties unless otherwise permitted by law.

(B) **REPRESENTING PRIVATE INTEREST BEFORE THE CITY AGENCIES.** No City officer or employee shall appear on behalf of any private person, other than himself, his spouse or minor children before any City agency. However, a member of the City Council may appear before City agencies on behalf of his constituent in the course of his duties as a representative of the electorate or in the performance of public or civic obligations.

**3- 1- 8. AVOIDANCE OF IMPRESSIONS OF CORRUPTIBILITY.**

City officer and employees, whether appointed or elected, full time or part time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such officer or employee can be improperly

influenced in the performance of his or her public duties. Such officers or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. All City officials and employees should avoid even the appearance of conflict between their public duties and private interests.

**3- 1- 9. POLITICAL ACTIVITY OF MUNICIPAL OFFICER OR EMPLOYEE.**

(A) For purposes of this section, “hours of employment” means occurring at a time when a City officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.

(B) Except as otherwise provided by federal law:

(1) the partisan political activity, political opinion, or political affiliation of an applicant for a position with a municipality may not provide a basis for denying employment to the applicant;

(2) a City officer or employee’s partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee’s employment, promotion, or dismissal;

(3) A City officer or employee may not engage in political campaigning or solicit political



contributions during hours of employment;

(4) A City officer or employee may not use City equipment while engaged in political activity;

(5) A City officer or employee may not directly or indirectly coerce, command, or advise another City officer or employee to pay, lend, or contribute part of the officer or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes; and

(6) A City officer or employee may not attempt to make another officer or employee's personnel status dependent on the officer or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

(C) A City employee who has filed a declaration of candidacy may:

(1) be given a leave of absence for the period between the primary election and the general election; and

(2) use any vacation or other leave available to engage in campaign activities.

(D) Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including

discipline and termination, against the employee.

(E) Nothing in this Chapter may be construed to:

(1) prohibit a City officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or

(2) permit a City officer or employee partisan political activity that is prohibited under federal law.

(F) No officer or employee shall orally, by letter or otherwise solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the City.

(G) No officer or employee, whether elected or appointed, shall promise any appointment to any position with the City as a reward for any political activity.

**3-1-10. LATER CASE INTEREST; FUTURE EMPLOYMENT.**

It is improper for any former City officer or employee, after the termination of service or employment with the City, to appear as a compensated representative before the City Council, or any of its agencies, in connection with any case or matter in which such former officer or employee was duly connected or personally participated in a policy-making capacity or managerial capacity while an officer or employee of the City during the period of his service or employment, or which was under his active consideration.

Such former officer or employee may be released from the obligation imposed by the provisions of this section upon the submission of a written request to the Council in advance of his or her proposed appearance and a certification that, while an officer or employee of the City, took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee, or at the time of the presentation.

**CHAPTER 2 - DISCLOSURE;  
CONFLICTS OF FINANCIAL  
INTEREST.**

**3- 2- 1. PURPOSE.**

The purpose of this Chapter is to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

**3- 2- 2. CONFLICT OF INTEREST CODE.**

With regard to conflicts of financial interests, this Chapter shall be deemed the 'Conflicts of Interest Code' of Park City Municipal Corporation.

**3- 2- 3. DEFINITIONS.**

(A) **APPOINTED OFFICER.** Any person appointed to any statutory office or position or any other person appointed to any position of employment with the City. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word 'officer' in this part is not intended to make appointed persons or employees 'officers' of the City.

(B) **ASSIST.** Means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

(C) **BUSINESS ENTITY.** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation,

or other organization or entity used in carrying on a business.

(D) **CITY EMPLOYEE.** A person who is not an elected or appointed officer who is employed on a full or part-time basis by the City.

(E) **CITY OFFICER.** Any appointed or elected officer. Shall include the Mayor, City Council, all Mayor-appointed City officials and the members of City agencies, boards, committees, and commissions.

(F) **COMPENSATION.** Anything of economic value, however, designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property or any other thing whatsoever.

(G) **ELECTED OFFICER.** Any person elected or appointed to the office of Mayor or City Council.

(H) **IMPROPER DISCLOSURE.** Disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(I) **INTEREST.** Direct or indirect pecuniary or material benefit accruing to a city officer or employee as a result of an official act or action by or with the City, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For the purposes of this Chapter,

an appointed or elected officer or City employee shall be deemed to have an interest in the affairs of:

(1) any person related to him by blood or marriage in a degree closer than the fourth degree of consanguinity or affinity, determined by the civil law method, and a divorce or separation between spouses shall not be deemed to terminate any such relationship;

(2) any person or business entity with whom a contractual relationship exists with the elected or appointed officer, or City employee;

(3) any business entity in which the appointed or elected officer or City employee is an officer, director, or member having a financial interest in, or employed by;

(4) any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the City officer or employee.

(J) **MUNICIPAL BODY.** Any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.

(K) **OFFICIAL ACT OR ACTION.** Any legislative, administrative, appointive or discretionary act of any City officer or

employee of the City or any agency, board, committee or commission thereof.

(L) **POLITICAL PURPOSE.** An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or the disposition of any issue on the ballot at a municipal election.

(M) **PRIVATE, CONTROLLED, OR PROTECTED INFORMATION.** Information classified as private, controlled, or protected under Utah State Code Title 62, Chapter 2, Government Records Access and Management Act or other applicable provision of law.

(N) **SUBSTANTIAL INTEREST.** Ownership, either legally or equitably, by an individual, his or her spouse, or his or her minor children, of at least ten percent (10%) of the outstanding shares of a corporation or ten percent (10%) interest in any other business entity.

**3- 2- 4. CONFLICT OF INTEREST DISCLOSURE IN LEGISLATIVE ACTION.**

(A) Every City officer who is an officer, director, agent, or employee or the owner of a substantial interest or has any personal interest or investment in any business entity which does or anticipates doing business with the City, shall publicly disclose to the members of the body in which he or she is a member or by which he or she is employed immediately prior to any proposed action or discussion by such body concerning matters relating to such business entity, the nature of his or her interest in that business entity.

(B) Any personal interest or investment by a City officer or employee which creates a conflict between the employee ' s or official ' s personal interests and his public duties shall be disclosed in open meeting to the members of the municipal body.

(C) The disclosure statement shall be entered in the minutes of the meeting.

**3- 2- 5. PREACQUISITION OF INTEREST; INTEREST IN CONTRACT OR TRANSACTION.**

No City officer or employee with respect to any contract or transaction which is or may be subject to an official act or action of the City shall acquire an interest in such contract or transaction at a time when the City officer or employee believes or has reason to believe that it will directly or indirectly be affected by an official act of the City.

Regardless of whether he or she abstained from participating in the City decision to award or enter into a contract, no elected or appointed City officer, or employee having the power or duty to perform an official act or action, related to a contract or transaction, shall:

(A) have or thereafter acquire an interest in such contract or transaction; or

(B) have an interest in any business entity representing advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or

(C) have solicited or accepted present or future employment with a person or

business entity involved in such contract or transaction;

(D) have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction; or

(E) have encouraged, made or accepted any ex parte or unilateral applications or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

**3- 2- 6. DISCLOSURE OF INFORMATION.**

No City officer or employee with respect to any contract or transaction which is or may be the subject of an official act or action of the City shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, or use such information to advance the financial or other interests of himself or others.

**3- 2- 7. PUBLIC CONTRACTS.**

No City officer or employee who, in his capacity as such officer or employee participates in the making of a contract in which he or she has a private pecuniary interest, director indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the City unless:

(A) the contract is awarded through a process of public notice and competitive bidding; or

(B) the City Attorney waives the requirement of this section after determining that it is the best interest of the City to do so.

**3- 2- 8. EXCEPTIONS TO CHAPTER.**

(A) It shall not be deemed a violation of the standards of this Chapter if the interest of a City officer or employee, as a person or business entity, is a contractual obligation of less than five hundred dollars (\$500.00), which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under the obligation to make or incur; or

(B) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this Chapter; or

(C) A contract for a commercial retail sale, even though over the value of five hundred dollars (\$500.00), shall not be deemed to create an interest in violation of this Chapter.

**3- 2-9. COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING CITY - PUBLIC DISCLOSURE AND FILING REQUIRED.**

Refer to Utah Code Section 10-3-1305, hereby incorporated.

**3- 2-10. INTEREST IN BUSINESS ENTITY REGULATED BY MUNICIPALITY - DISCLOSURE STATEMENT.**

Refer to Utah Code Section 10-3-1306, hereby incorporated.

**3- 2-11. COMPLAINTS CHARGING VIOLATIONS - PROCEDURE.**

(A) Any complaint against a person who is under the merit system, charging that person with a violation of this Chapter, shall be filed and processed in accordance with the provisions of the merit system.

(B) If the person charged with the violation is not under any merit system, then the complaint shall be filed with the Mayor or City Manager. The Mayor or City Manager shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or City Manager shall be filed with the governing body. If the governing body finds that the person has violated this part, it may dismiss, suspend, or take such other appropriate action with respect to the person.

**CHAPTER 3 - CAMPAIGN DISCLOSURE**

**3- 3- 1. PURPOSE.**

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that there be fairly conducted campaigns and that the citizens of Park City

may exercise their constitutional right to vote, free from dishonest and unethical practices.

Candidates are encouraged to conduct their campaigns openly and publicly, discussing the issues as they see them, presenting their record and policies with sincerity and frankness, and criticizing without fear or disfavor the record and policies of their opponents or political parties which merit such criticism.

**3- 3- 2. DEFINITIONS.**

(A) **CAMPAIGN STATEMENT.** Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

(B) **CAMPAIGN COMMITTEE.** A committee of citizens formed to campaign for a specific candidate.

(C) **CANDIDATE.** Any person who:  
  
(1) files a declaration of candidacy for an elected office of the City; or  
  
(2) received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person ' s nomination or election to such office; or  
  
(3) causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

(D) **CONTRIBUTION.**

- (1) Any of the following when done for political purposes:
- (a) A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.
  - (b) An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.
  - (c) Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.
  - (d) Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for personal services rendered for, but without charge to, the candidate or the candidate's election committee;
  - (e) Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.
- (2) For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to

the fair market value of the contribution.

- (3) 'Contribution' does not include:
- (a) services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;
  - (b) money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.
- (E) **DISBURSEMENT.** Monies, transfers, or other withdrawals from a fund for any purpose.
- (F) **EXPENDITURE.**
- (1) Any disbursement from contributions, receipts or from the separate bank account required by this Chapter;
  - (2) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, made by or on behalf of a candidate or a candidate's election committee for political purposes;
  - (3) An express, legally-enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, by or on behalf of a candidate or the candidate's election committee for political purposes;

(4) A transfer of funds between political or party committees and a candidate's election committee; or

(5) Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.

(6) Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.

(G) **ELECTION OFFICIAL.** The City Recorder or designee.

(H) **FINANCIAL STATEMENT.** A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.

(I) **POLITICAL PURPOSE.** An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any primary or general election.

(J) **REPORTING DATE.**

(a) Ten (10) days before primary or municipal general election for a campaign finance statement to be filed no later than seven (7) days before a municipal primary or general election; and

(b) the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.

(K) **REPORTING LIMIT.** \$50.

(L) **SUROGATE.** Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

*(Amended by Ord. Nos. 07-31; 09-12)*

**3-3-3. SEPARATE BANK ACCOUNT REQUIRED.**

(A) Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

(B) The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.

(C) A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.

(D) If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3-3-6 below and reported in the candidate's final campaign statement.

**3-3-4. CONTRIBUTIONS TO CANDIDATES - LIMITATIONS.**

(A) No person shall make cash contributions, the total of which exceeds fifty dollars (\$50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.

(B) The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or



election committee shall be transmitted to the City Treasurer for deposit in the general fund.

**3- 3- 5. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.**

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date, as follows:

**(A) SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT.**

The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:

(1) **Contributions.** A list of campaign contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:

- (a) the name and address of the contributor;
- (b) the date contribution was received;
- (c) dollar amount contributed or fair market value of service contributed; and
- (d) a net balance of contributions for the period.

(2) **Contributions Fifty Dollars (\$50.00) or Less.**

(a) For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.

(3) **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

- (a) the name and address of every recipient to whom disbursement was made;
- (b) the amount expended or for each non-monetary expenditure, the fair market value of the expenditure;
- (c) the date of payment; and
- (d) a net balance of expenditures for the period.

(4) **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

**(B) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT IN THE EVENT OF A PRIMARY ELECTION – DEADLINE.**

In the event a Primary Election is required, every candidate

running for the office of Mayor or City Council shall file an initial campaign statement with the Election Official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A).

**(C) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT BY CANDIDATE(S) ELIMINATED IN PRIMARY - DEADLINE.**

Those candidates eliminated in the primary election must file a final campaign finance statement with the Election Official within thirty (30) calendar days after the primary election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

**(D) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE.**

Following the primary election, every candidate still eligible for the office of Mayor or City Council in the general election shall file a campaign finance statement with the Election Official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including

in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A).

**(E) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT.**

All candidates in the general election must file a final campaign finance statement with the Election Official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

**(F) AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT.**

In the event a candidate or candidate's campaign committee receives a contribution or makes an expenditure after the candidate's final campaign finance statement has been submitted to the Election Official, an amended final sworn campaign finance statement must be filed with the Election Official within five (5) days of receipt of the contribution or expenditure.

A campaign finance statement required under this section is considered filed if it is

received in the City Recorder’s office by 5 p.m. on the date that it is due.

*(Amended by Ord. Nos. 02-05; 07-31; 09-12)*

**3-3-6. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.**

Surplus campaign funds held by the candidate or the candidate’s committee must be disbursed at the end of the campaign. Disbursement is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement of any surplus campaign funds must be reported in the final campaign finance statement.

*(Amended by Ord. No. 07-31)*

**3-3-7. FAILURE TO FILE CAMPAIGN FINANCE STATEMENT.**

(A) If a candidate fails to file a campaign finance statement before the municipal election by the deadline specified in Municipal Code Section 3-3-5(C):

(1) The Election Official shall, if practicable, remove the candidate’s name from the ballot by blacking out the candidates name before the ballots are delivered to the voters; or

(2) If removing the candidate’s name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(3) The Election Official may not count any votes for that candidate.

(B) Notwithstanding Section (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

*(Amended by Ord. No. 07-31)*

**3-3-8. NOTIFICATION BY ELECTION OFFICIAL.**

The municipal clerk, recorder or Election Official shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(A) The provisions of this Chapter and U.C.A. Section 10-3-208(4) governing the disclosure of campaign contributions and expenditures;

(B) The dates when the candidate’s campaign finance statement is required to be filed; and

(C) The penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate’s name from the ballot for failure to file the required campaign finance statement when required.

*(Created by Ord. No. 07-31)*

**3-3-9. PUBLIC INSPECTION.**

(A) The Election Official shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one (1) business day after the statement is filed, and

(B) The Election Official shall make the campaign finance statement filed by a candidate available for public inspection by:

(1) posting an electronic copy of the contents of the statement on the City's website no later than seven (7) business days after the statement is filed; and verifying that the address of the City's website is provided to the Utah Lieutenant Governor pursuant to the requirements of U.C.A. Section 20A-11-103(5), as amended; or

(2) submitting a copy of the statement to the Lieutenant Governor under U.C.A. Section 20A-11-103, as amended, no later than two (2) business days after the statement is filed.

The Election Official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.

*(Amended by Ord. No. 09-12)*

**3-3-10. CIVIL ACTION.**

(A) Any private party in interest may bring a civil action in district court to enforce the provisions of this Section or any ordinance adopted under this Section.

(B) In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

*(Amended by Ord. No. 07-31)*

**CHAPTER 4 – WRITTEN ADVISORY OPINIONS**

Where any Council member, official, or employee has a doubt as to the applicability of any provision of this Title to a particular situation, or as to the definition of terms used herein, he or she may apply to the City Attorney for a written advisory opinion. The officer or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the title before

such advisory opinion is made. Such opinion, until amended or revoked, shall be binding on the City, the City Council, and the City Attorney in any subsequent actions concerning the Council member, official, or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Any written advisory opinion prepared by the City Attorney shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the City Attorney unless the City officer or employee waives such confidentiality or where the City Attorney deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

**CHAPTER 5 – ENFORCEMENT;  
PENALTIES**

**3-5-1. ENFORCEMENT.**

The City Attorney shall have the primary responsibility for the enforcement of this Title. He shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where such action is appropriate. The City Council may direct the City Attorney to investigate or prosecute

any apparent violation of the Title or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Title. Any person who believes that a violation of any portion of Title 3 has occurred may file a complaint with the City Attorney.

The City Attorney shall have the power, where a violation of the provisions of this Title is threatened or has occurred, to bring an action or proceeding at law or in equity for a judgment enjoining a violation of the provisions of this Title or requiring a relinquishment of any prohibited interest or the voiding of any contract or transaction, taking into account the interests of the attorney and any third persons who may be injured thereby.

**3-5-2. PENALTIES.**

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Title shall result in the following:

- (A) A cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority, or in the case of the Council, a majority of the City Council;
- (B) Be found guilty of:
  - (1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
  - (2) a felony of the third degree if:
    - (a) the total value of the compensation, conflict of interest, or assistance is more than \$250, but not more than \$1,000; or

(b) the elected or appointed City officer or employee has been twice before convicted of violation of this Title and the value of the conflict of interest, compensation, or assistance was \$250 or less;

(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

(C) Any contract or subcontract entered into pursuant to that transaction without returning any party of the consideration received by the City may be rescinded or void.

## 8.9 Harassment

The City is committed to the belief that all employees have the right to work in an environment that is free from discrimination and harassment. The City strictly prohibits harassment of or by its employees, vendors, customers or others who enter our workplace in any form. All employees at any level of employment with the City must avoid offensive or inappropriate harassing behavior, and the City holds employees responsible for ensuring that the workplace is free from any type of harassment. Employees should at all times treat other employees with respect, dignity, and in a manner so as not to offend the sensibility of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

The City bases its harassment policy on Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973 and the Civil Rights Act of 1991. It also bases its policy on the EEOC's definition of sexual harassment, which is: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individual; or (3) such conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Specifically, the City prohibits conduct that may include but is not limited to the following:

- a. Degrading words to describe an individual; threats; offensive comments; derogatory remarks; innuendos or taunts; off-color language or jokes; innuendoes; and sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.
- b. Display, storage and/or transmitting of offensive, pornographic, racist or offensive language, signs, or images from any personal cell phone, PDA, computer or radio while on duty.
- c. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- d. Sexual harassment, including sexual harassment of men by women, and same sex sexual harassment.
- e. Engaging in indecent exposure.
- f. Unwelcome sexual advances.
- g. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- h. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's

submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or

career development.

- i. Other harassing conduct committed in the workplace by supervisors or non-supervisory personnel, whether physical or verbal.

Any type of harassing conduct may result in disciplinary action up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises, or whether the incidents occur during business hours.

Employees who have complaints of harassment by anyone in the workplace, including supervisors, co-workers or visitors, are urged to report such conduct to their supervisors or Department Managers, who will report the incident to the Human Resources Manager so that the City may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his/her immediate supervisor, the employee may go directly to any Department Manager, any management team member or directly to the Human Resources Manager, City Attorney, or City Manager.

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action.

If after careful investigation the City is unable to confirm an allegation of harassment, the City may transfer an employee to a new location where the employee will not have any contact with the alleged harasser.

To the extent possible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process to the fullest extent permitted by the circumstances.

Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to, such acts as refusing to recommend the employee for a benefit for which he/she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, and escalating the harassment.

If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against the employee.



## 8.6 Cellular Phones & Mobile Devices

City issued mobile devices, including cellular phones, smartphones, laptops, tablets, thumb drives and other handheld electronic equipment are considered to be “computers” and are subject to all computer and Internet use policies. Devices are to be used primarily for City business.

Personal use of City-owned devices will require the employee to reimburse the City for cost beyond City/department allowances for service/phone/data/txt plans.

**Apps:** Personal applications (apps) can be downloaded so long as they are paid for by the employee and comply with all City Policies. Apps cannot interfere or conflict with business use of the device or increase costs to the City. Employees assume all responsibility for any personal data and financial risk for the purchase of apps and/or accessories. The IT department will not support or guarantee any personal aspects of the device and will not be held liable for data loss or hardware/software incompatibilities.

**IM:** Instant messaging (IM) linked to or part of a City public safety software system, such as the Computer Aided Dispatch (CAD) system, shall be kept for a period 6 months and not deleted by users. Other instant messaging should be considered similar to a phone conversation with the realization that the storage of the messaging may be limited by outside parties. Messages shall be kept for a minimum of 24 hours. Users may delete IM conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends.

**MMS, SMS, TXT:** Multimedia Messaging Service (MMS), Simple Messaging Service (SMS), Text Messaging (TXT) and chat are discouraged for use in conducting substantive business. Text and related messages should be short and considered similar to a phone conversation with the realization that the storage of the messaging may be limited by outside parties. Messages shall be kept for a minimum of 24 hours. Users may delete text and related conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends. Users are encouraged to start new text or related messages rather than add messaging to the back end of a long string of messages in one text conversation.

**Personal Devices:** The use of any personal devices (e.g. “Android, iPhone, iPad, audio recordings, memory devices, etc.) to conduct City business (or ancillary to assigned job duties) to collect or create data including documents, messages, video, photographs or audio recordings becomes the property of the City and cannot be copied, distributed, posted or printed beyond the official work need. Such data is subject to Social Media Policy, eDiscovery, and GRAMA requirements. Employees wanting to synchronize mobile devices with City messaging services must agree to and submit the “Personal Device Access Agreement” form located on the employee portal under City Policies to their department for approval.

**PIN:** Policies enforced on mobile devices will require the use of a security pin. If multiple failed login attempts are made, (as determined by the software) data on the device will be erased.

**USE:** When using City or personal devices for work purposes, employees are expected to obey all applicable laws, exercise reasonable care, and follow all applicable department, operating and safety guidelines. Employees should not use mobile phone devices for work or personal purposes while operating any motor vehicle.

- Employees should turn off their cell phone and any other equipment before driving and/or allow voicemail to handle calls.
- If an employee needs to place or receive a call, they should wait legally stop at a safe location and place the vehicle in 'park' before using the phone.
- Using messaging services such as text and email while operating a motor vehicle is strictly prohibited.

**EXCEPTIONS:**

1. Public Safety/Law Enforcement or emergency service personnel acting in the course and scope of employment;
2. Communications during a medical emergency or when providing roadside or medical assistance;
3. 911 or other communications to report a safety hazard, an emergency or other public safety communication such as reporting criminal activity or assistance relating to criminal activity with reasonable care taken to perform the call which may include pulling over to the side of the road provided a safe and legal location is timely available;
4. Use of Transit and Snow Removal Driver two-way radios during shifts;
5. Use of GPS navigation services is allowed but must provide audio directions and be programmed and adjusted while the vehicle is safely parked;
6. Public Works on-call employee receipt of emergency/essential calls, with reasonable care taken to perform or take the call which may include pulling over to the side of the road provided a safe and legal location is timely available.

All staff authorized to drive a City vehicle or a personal vehicle on City business must complete an Inattentive Driving Training session. Employees shall refrain from doing any activity that would contribute to careless driving. Careless driving activity examples include any activity unrelated to operation of the vehicle such as eating, grooming, or searching for an item in the vehicle.

Any employee who is found guilty of careless driving while on City time and/or while driving a city vehicle: 1) will receive a safety violation that will be reflected in the employee's next performance evaluation and personnel file; 2) any city issued device may be removed from his/her possession; and 3) there may be revocation of his/her City business driving privilege. Utah law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a handheld cell phone or other activities not related to driving. Repeated violations may result in the revocation of use of such equipment and/or City driving privileges, and progressive discipline up to and including termination.

Any employee who is observed/found using such equipment or doing any other inattentive driving activity while operating a motor vehicle during City business may receive a safety violation. Safety violations will be reflected in the employee's next performance evaluation and personnel file. Repeated violations may result in the revocation of use of such equipment and/or City driving privileges and progressive discipline up to and including termination.

Employees who violate this policy risk having cellular or mobile device privileges revoked.

Lost or stolen devices must be reported immediately to the IT department for security and service changes. The cost of damaged or lost equipment due to employee negligence may be charged to the employee.

## 8.18 Information Technology (IT)

### a. City Business Use

In general, IT systems and services are provided for City business, this includes but is not limited to computer equipment, phones, printers, photocopiers, FAX devices, email services, software, Internet access, wireless services (Wi-Fi, 3G/4G) and data storage. City systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale.

Users should have no expectation of privacy when using City equipment, data or networks. All electronic files and messages, sent and received using City systems or City provided Internet access, including web-based messaging systems, are subject to viewing, inspection, release, and archiving by authorized personnel at all times to the extent that such rights are not superseded by applicable laws. The City will comply with reasonable and compulsory requests from law enforcement and regulatory agencies for electronic records.

Users are responsible for the security of the equipment and data. It is paramount that users protect City and personal data. Do not store, copy, share or transmit any confidential data including but not limited to passwords, social security numbers, bank routing information, and credit card numbers outside of appropriate City Systems.

All City records must be maintained pursuant to City retention policies. It is prohibited to destroy, delete, erase or conceal City files or otherwise making such files or data unavailable or inaccessible in any manner inconsistent with such policies.

### b. Internet Use

This policy governs all uses of Park City's network and Internet/intranet access at all offices, hotels, airports, employees' homes, and any other location when such access is for work purposes or on City equipment.

The Park City network and Internet access are intended primarily for business use only. Employees may access the Internet for personal use only during nonworking hours, and strictly in compliance with the terms of this policy.

All information created, transmitted, acquired, downloaded, or uploaded via the organization's network and Internet or intranet is the property of Park City Municipal Corporation. Employees should have no expectation of privacy regarding this information. The organization reserves the right to access, read, review, monitor and copy all messages, content and files on its computer system or network enabled device at any time and without notice. When deemed necessary, the organization may disclose text or images to law enforcement agencies or other third parties without the employee's consent.

Employees are reminded that information obtained from the Internet is not always reliable and should be verified for accuracy before it is used.

## **PROHIBITED ACTIVITIES**

Employees are prohibited from using Park City's network or Internet access for the following activities, unless as part of an active internal or Police investigation:

1. Downloading and/or installing software without the prior written approval from the IT Director.
2. Disseminating or printing copyrighted materials, including articles and software, in violation of copyright laws including the use of peer-to-peer file sharing and/or storage of such materials on any city owned equipment.
3. Sending, receiving, printing, or otherwise disseminating Park City Corporation's proprietary data, or other confidential information in violation of organizational policy or written agreements.
4. Operating a business, election campaign activity, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside Park City Municipal Corporation.
5. Making offensive or harassing statements and/or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex or sexual orientation.
6. Viewing, downloading, uploading, sending, or soliciting obscene or pornographic sites, messages or images or otherwise viewing, downloading, uploading, sending or displaying sites or messages which violate the City's harassment policies.
7. Visiting sites featuring pornography, terrorism, espionage, theft, or illegal drugs.
8. Gambling or engaging in any other criminal activity in violation of local, state or federal law.
9. Engaging in unethical activities or content.
10. Participating in activities, viewing, or writing content that could damage Park City Municipal Corporation's professional reputation.

#### **COMPLIANCE AND VIOLATIONS**

1. Managers are responsible for ensuring employee compliance with this policy.
2. Employees who learn of policy violations should notify the HR or IT manager(s).
3. Employees who violate this policy or use Park City's network, Internet, or intranet access for improper purposes will be subject to discipline, up to and including termination.

Appropriate or approved classified ads on the employee portal are not considered prohibited activities.

#### **c. Email Specification**

Professional e-mail transmission is important to maintaining the positive image of the City, its business and its government and therefore must adhere to the following guidelines: E-mail background must be white. All signature elements including logo, font and color must be found on the city's style reference website: <http://style.parkcity.org>

The City's policy on access to and disclosure of electronic mail messages sent or received by Park City Municipal Corporation employees who use the electronic mail system may be changed at any time.

All electronic communication, phone, e-mail, text, smartphone, PDA, etc. are solely owned City property. Notwithstanding the assigning of individual passwords, the City reserves the right to

access and disclose all messages sent over its electronic mail system and server domain or any communication system at any time for any business purpose including but not limited to ensuring employee performance and protecting confidential information.

Employees should not attempt to gain access to another employee's e-mail account or e-mail messages without the latter's express permission. However, City management reserves the right to enter an employee's e-mail files whenever there is a legitimate business need to do so. However, nothing herein shall affect the classification of e-mail pursuant to the Utah Government Records and Retention Act, or other state and federal standards.

E-mail transmissions are not actually deleted when a City employee deletes them from his/her computer. Deleted e-mail remains in memory storage and can be accessed by outside parties in the event of a lawsuit or other investigation. Because e-mail transmissions are discoverable documentary evidence, employees may be asked to explain e-mail transmissions before a judge in a court of law in the event that the City is involved in a lawsuit.

Transmission between any Park City employee and the Park City Legal Department which contains substantive legal material should be labeled "protected attorney-client communication," but absences of such label shall not preclude the City from classifying such communication as "protected" after the fact.

#### d. Support

Technical support, record requests and GIS services are provided during regular business hours (8 am – 5 pm Monday-Friday). After hour emergency support should only be utilized when critical services are unavailable or no other alternative exists. Unscheduled walk-in support is discouraged.

1. Web: <http://5123.parkcity.org> – Internal network only
2. Email: [5123@parkcity.org](mailto:5123@parkcity.org)
3. Phone: 435-615-5123 (EMERGENCY SUPPORT ONLY)

#### e. Geographic Information Systems (GIS)

GIS data cannot be distributed or resold without permission. All data that is distributed requires a signed agreement. Contact IT support for more information. All GIS data must be saved in "GISDATA" or "CITYWIDE" network share.

Use of plotter may result in material costs to you or your department. Please make arrangements well in advance of your deadline.

#### f. Training

IT/GIS training are offered throughout the year and upon request but do not include specialized trainings for individual industry or job functions. Training can be requested through support or through the employee portal [ep.parkcity.org](http://ep.parkcity.org).

#### g. Equipment & Software Requests

Contact IT for all technology requests including software, hardware, printers, copiers, GPS and accessories.

#### h. Social Media & Other Websites

No City department, official, or employee may create a social media site or an identity/entity/presence on a website (such as Twitter, Facebook, YouTube, internet blogs or chat rooms and other websites) regarding City affairs or content without the express approval of the City Manager. Authorized sites shall have a designated purpose and staff member assigned to maintain and moderate content.

Generally, City sites shall not allow public citizen comment, except as approved by the City Manager for designated and published public purposes. All sites shall contain a link with the following prohibitions on content:

1. No comments unrelated to purpose;
2. No content that promotes discrimination or harassment;
3. No posts that constitute or encourage illegal activity;
4. No solicitations of commerce [except for authorized public bidding site(s)];
5. No sexually related content or links to sexually related content;
6. No profane language;
7. No content that violates a legal ownership interest of another party;
8. No information that compromises safety or security of any information or person;
9. No comments regarding political campaigns or ballot measures [state law prohibits use of City resources for such];

Employees posting on City sites or third party sites, if the posting occurred in the scope of employment or concerns City business or information, shall adhere to the following rules:

- Social networking and video site users are required to write/post content under their own names. Pseudonyms and anonymous postings are prohibited, when using City equipment or City-hosted social networking or video sites.
- Unless approved by the City, employees are prohibited from mentioning the City or identifying themselves as employees of the City via text, photos, art, City logos, City uniforms, City letterhead, City products, City trademarks, or any other image, copy, or content, when using a personal social networking and video site.
- Employees must incorporate the following legal disclaimer into their personal social networking pages and public video site posts when making statements regarding matters of public concern that may in any way impact or be related to City business: "The opinions expressed on this social networking profile (video site) are my own personal opinions. They do not reflect the opinions of my employer."
- Employees are prohibited from attacking, defaming, harassing, discriminating against, menacing, threatening, or otherwise exhibiting inappropriate or offensive behavior, attitudes, opinions, or commentary toward or about coworkers, supervisors, executives, customers, vendors, shareholders, the media, or other third parties, when using a personal social networking site or public video site.
- Employees are prohibited from disclosing confidential, protected, proprietary, or private information about the City or obtained in the scope of employment.

- Employees are prohibited from disclosing information in regards to the City, its products, services, financials, plans, employees, customers, partners, suppliers, or other third parties, when using a personal social networking site or public video site.
- Employees are prohibited from using a City-provided or personal cell phone or smartphone camera or video recorder to take, transmit, download, or upload to social networking or video sites any photos or videos of coworkers, executives, customers, suppliers, and any other third party without first securing the written permission of the subject if applicable and their Department Manager, and/or an authorized member of management.
- Employees are prohibited from using a City-provided or personal cell phone or Smartphone camera or video recorder to take, transmit, download, or upload any business- or City- related photos or videos to City computers, personal computers and social networking or video sites without first securing written permission from their Department Manager as well as an authorized member of City management if applicable. Banned photos and videos include, but are not limited to, the following:
  - (1) “funny,” embarrassing, or unprofessional images of City employees, executives, customers, suppliers or other third parties;
  - (2) City buildings (internal and external), offices, facilities, operations, services, confidential data, and internal documents;
  - (3) City uniforms, logos, signage, trademarks, business cards, letterhead, literature, or any other printed or electronic content that can be used to identify the City or past and current employees.
- Employees are prohibited from disclosing financial information about the City without permission.
- Employees must adhere to the City’s written Personnel Policies and Procedures Handbook when using a personal social networking site or public video site. Prohibited content includes, but is not limited to, obscene, profane, adult-oriented, pornographic, harassing, discriminatory, menacing, threatening, and otherwise offensive text, art, photos, videos, graphics, cartoons, or other images and content.
- Employees may not post content or conduct activities that violates applicable local, state, or federal laws or regulations when using a personal social networking site or public video site, or a City-hosted social networking or video site.

Violation of City’s Social Media Site policy (or any other City policy) will result in disciplinary action, up to and including termination.