



COTTONWOOD HEIGHTS

2019
CANDIDATE GUIDE
TO ELECTIONS



Dear Candidate:

Congratulations on your decision to run for elected office in Cottonwood Heights. This Candidate Guide to Elections has been prepared to provide basic information about your candidacy and about Cottonwood Heights. I hope you will find it helpful.

The City Recorder's Office supervises the candidate filing process and oversees Cottonwood Heights' municipal elections. The Cottonwood Heights municipal code, as well as many other official documents, is available on the city's website: www.ch.utah.gov.

A map of the entire city outlining streets, council districts, as well as voting precincts, is provided to you for use during your campaign. If you need any individual voting precinct maps or any other voter information for your campaigning, they are available from the Salt Lake County Clerk, Election Division at (385)-468-7400.

Vote by mail and early voting have become very popular and city officials believe that there are definite advantages to these methods. Approximately 30 days before the election, ballots will be mailed to each registered voter (who voted at least once in the last four years) and those who have not voted in the last four years will receive a postcard inviting them to request a ballot. Ballots can be completed and mailed back to the county in the postage paid envelope that is provided and there will be a ballot drop box at the city offices. Voting by mail eliminates the costs of staffing early voting and election day voting locations. Voters may also vote at a City Hall on Election Day.

If you have questions, need additional information, or would like to meet with staff members please contact me at 801-944-7021, at pmelgar@ch.utah.gov, or feel free to drop by my office. Best wishes for a successful campaign experience.

Sincerely,

Paula Melgar, CMC
Cottonwood Heights City Recorder

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CANDIDATE INFORMATION

IMPORTANT DATES

Candidate Filing Period	June 3 – June 7, 2019
2019 Municipal Primary Election	August 13, 2019
2019 General Election	November 5, 2019
June 7, 2019 at 5:00 p.m.	FILING DEADLINE
June 11, 2019	Last day for Candidate to withdraw and have name removed from ballot
July 1, 2019 at 5:00 p.m. for Primary September 6, 2019 at 5:00 p.m. for General	Deadline to submit biographies for vote.utah.gov profile
August 13, 2019	PRIMARY ELECTION
August 27, 2019	Board of Canvassers Meeting
September 12, 2019 @ 5:00 p.m.	<i>Financial Disclosure for candidates eliminated at primary</i> Must be filed no later than 30 days after the primary election
October 29, 2019 @ 5:00 p.m. December 5, 2019 @ 5:00 p.m.	<i>Financial Disclosure for candidates not eliminated at primary</i> Must be filed <u>no later than 7 days before</u> the municipal general election Must be filed <u>no later than 30 days after</u> the municipal general election
November 5, 2019	GENERAL ELECTION
November 12 or November 19, 2019	Board of Canvass Meeting to Certify Elections (if necessary) Meets no sooner than 7 days, and no later than 14 days, after the election
January 6, 2020	Administration of Oath of Office

Below are the locations where we plan to conduct voting on Election Day.

Cottonwood Heights City Hall	2277 E Bengal Blvd
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CANDIDATE INFORMATION AND REQUIREMENTS

ELECTIVE OFFICES FOR 2020

Council Member (4-year term)	District 1	January 2020 – January 2024
Council Member (4-year term)	District 2	January 2020 – January 2024

QUALIFICATIONS FOR CANDIDACY

Anyone wishing to file for candidacy must meet the following qualifications:

- Be a United States citizen at the time of filing;
- Be at least 18 years old;
- Be a registered voter of Cottonwood Heights;
- Be a resident of Cottonwood Heights for a period of twelve consecutive months immediately preceding the date of election;
- In the case of a city council district race, a candidate must be a resident of the district he/she is seeking to represent when filing for office and continuously thereafter;

Each elected officer of the city shall maintain residency within the boundaries of the city during the term of office.

PLEDGE OF FAIR CAMPAIGN PRACTICES

THIS IS A VOLUNTARY PLEDGE. If it appears that the prospective candidate meets the requirements of candidacy, the city recorder shall provide the candidate with a copy of the pledge of fair campaign practices and inform the candidate that signing the pledge is voluntary; and signed pledges shall be filed with the city recorder. This document is considered a public record and will be retained for public inspection for 30 days following the election.

2018 – 2019 MASTER BALLOT POSITION LIST

In accordance with Utah Code Section 20A-6-305, Utah Lieutenant Governor Spencer J. Cox hereby establishes the Master Ballot Position List, establishes written procedures for election officials to use the Master Ballot Position List, establishes written procedures for the Lieutenant Governor in conducting the randomization in a fair manner, and provides a record of the random selection process used.

a. Master Ballot Position List

1 F	11 M	21 P
2 X	12 V	22 N
3 C	13 Q	23 J
4 Y	14 E	24 D
5 O	15 W	25 I
6 A	16 Z	26 T
7 B	17 R	
8 U	18 H	
9 S	19 G	
10 L	20 K	

POSTING OF POLITICAL SIGNS

Political signs are considered to be "civic signs" under Chapter 19.82 of the Cottonwood Heights Code of Ordinances. Please adhere to the following conditions:

- A. Signs should not exceed 7 square feet in size and 4 feet in height. Signs on billboards existing as a legal non-conforming use in the city are not subject to the foregoing size guidelines.
- B. Signs may be placed on private property, but only by or with the permission of its owner or authorized occupant. **Signs shall not be placed in the public right-of-way or on any other public property.**
- C. Signs shall not be located within 150 feet of any polling location.
- D. Signs shall not be located so as to adversely affect "clear view" or other public safety standards
- E. Signs shall comply with all other legal requirements.

POSTAL RESTRICTIONS

Please be aware that placing campaign literature INSIDE residential mailboxes is a violation of federal postal standards. Local postal authorities have informed us that anything placed in the mailbox MUST have proper postage attached and have been through the postal system. Any material found in mailboxes will be removed by the postal carrier, and charges of violations of federal postal standards may, at the discretion of the postmaster, be brought against the offender.

We encourage you to check with your local postmaster on any postal questions you may have. We also encourage you to inform your campaign workers against the use of mailboxes for campaign literature.

BUTLERVILLE DAYS PARADE AND CANDIDATES

Rules for the Butlerville Days parade regarding candidates and incumbents:

"The event is a community event and is not political. Civic entries or those representing officials in their elected capacity are invited and welcome to participate, but in keeping with the parade's purpose and theme, campaign entries and electioneering (this includes the distribution of campaign flyers and other political materials along the parade route) are strongly discouraged."

COMPENSATION OF ELECTED OFFICIALS

Council members currently receive annual compensation in the amount of \$15,408. The mayor receives annual compensation in the amount of \$23,201. Elected officials also receive city paid retirement benefits through the Utah Retirement System.

OATH OF OFFICE CEREMONY/CERTIFICATE OF ELECTION

Successful candidates are sworn in at noon on the first Monday in January following the election, or as soon thereafter as practical. If the first Monday is an observed holiday, the swearing-in ceremony is done the following day at noon. The city recorder administers *the Oath of Office* and issues the *Certificate of Election* to the successful candidates.

FINANCIAL STATEMENTS TO BE FILED

Each candidate must file with the City Recorder a “Report of Contributions & Expenditures for Candidates,” signed by the candidate on the following dates:

Candidates for municipal office not eliminated at primary election shall file a report:

No later than 30 days after primary – September 12, 2019 at 5:00 p.m.

Candidates for municipal office not eliminated at primary election shall file a report:

No later than 7 days before municipal general election – October 29, 2019

No later than 30 days after municipal general election – December 5, 2019

In the event a candidate has no contributions or expenditures during a reporting period, a financial statement *must still be filed* which states there were no contributions received or expenditures made.

Candidates eliminated at the general election must file a final campaign financial statement, signed and verified by the candidate, not later than 30 days after the general election or by December 5.

FINANCIAL STATEMENT FORMAT

The campaign financial statement “Report of Contributions & Expenditures for Candidates” must include all expenditures and contributions, including in-kind and other non-monetary contributions as of the reporting date. Each financial statement shall include:

- All the candidate’s itemized and total campaign contributions (including in-kind and other nonmonetary contributions) received before the close of the reporting date;
- Campaign expenditures made through the close of the reporting date;
- A list of each contribution of more than \$50 received by the candidate, and name of the donor;
- An aggregate total of all contributions of \$50 or less received by the candidate; and
- A list of each expenditure for political purposes and the recipient of that expenditure made during the campaign period.

If the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate’s campaign, then the disclosure statement shall report the total amount of all campaign contributions and expenditures.

The statements required by this section shall be public records, available for public inspection and copying during regular city business hours, within one business day after the statement is filed.

Any person who fails to comply with this section is guilty of an infraction, in addition to the following:

If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified above, the recorder shall inform the appropriate election official who shall if practicable, remove the candidate’s name from the ballot by blacking out the candidate’s name before the ballots are delivered to voters; or 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 may not count any votes for that candidate

All personal campaign committee statements will be open to public inspection and copying at the office of the city recorder during normal business hours, and will be preserved by the city recorder for a period of no less than five years from January 1st of the year following the election for which they are filed.

GENERAL ELECTION INFORMATION

PRIMARY AND GENERAL ELECTION DAY ISSUES

One Vote Center located at:

Cottonwood Heights City Hall – 2277 E. Bengal Boulevard
Polls open from 7:00 a.m. to 8:00 p.m.

BALLOT DROP OFF BOX

Cottonwood Heights Recorder's Office

2277 E. Bengal Boulevard
8:00 a.m. to 5:00 p.m.

Salt Lake County Elections Division

2100 South State Street. S1100
8:00 am – 5:00 pm

ELECTIONEERING

“Electioneering” includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue.

State election law prohibits ‘electioneering’ on the day of any election within a polling place or in any public area within 150 feet of the building where a polling place is located. This includes the display of political campaign signs.

POLL WATCHERS

Utah Code Section 20A-3-201 states as follows concerning poll watchers: “Each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots another person to act as a county poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.”

Poll watchers may:

- Watch and observe the voting process
- Make written memorandum

Poll watchers may not:

- Interfere in any way with the process
- Communicate in any manner the result or any other information about the count

PERMANENT VOTE BY MAIL

Salt Lake County offers a Permanent Vote by Mail program. In order to be eligible for permanent vote by mail status, one must be a registered voter at the address listed on the permanent vote by mail application.

CANCELLATION OF ELECTIONS

A municipal legislative body may cancel a local election if:

The number of candidates, including write-in candidates:

- Does not exceed number of open at-large offices, or
- Each candidate in each district is unopposed; and
- There are no municipal ballot propositions
- Must wait until the 60 day write-in deadline has passed

The municipal legislative body passes a resolution that cancels the election no later than 20 days before the scheduled election.

VOTE BY MAIL BALLOTS MAILED

- Primary Election Monday, July 16, 2019
- General Election: Monday, October 8, 2019

ELECTION DAY VOTE CENTER

- Cottonwood Heights City Hall
2277 E. Bengal Boulevard
7:00 am – 8:00 pm

BALLOT DROP OFF BOX

- Cottonwood Heights City Hall
2277 E. Bengal Boulevard
8:00 am – 5:00 pm

VOTE BY MAIL FREQUENTLY ASKED QUESTIONS

Salt Lake County Clerk's Office Information:

Salt Lake County Clerk Election Division	Phone	385-GOT-VOTE (385-468-8683)
2001 S State Street, #S1100	Fax	385-468-7401
PO Box 144575	Email	votebymail@slco.org
Salt Lake City, UT 84114-4575	Website	www.got-vote.org
	Hours	8:00 – 5:00 Monday thru Friday

How can I apply for a vote by mail ballot?

To apply for vote by mail you must be a registered voter in Salt Lake County. You may download a vote by mail application at our website. An application must be completed and returned before a ballot can be mailed. You may mail, fax or email your application to the Clerk's Office. You have the option of voting by mail for a single election or on a permanent basis.

Your application must be received in the Clerk's Office no later than the Thursday prior to an election.

What if I move?

If you have moved within Salt Lake County just call our office during business hours. You may update your address online by completing a new registration form at our website. A mail-in form is available at our website as well.

Can I pick up a ballot for a neighbor, child or parent?

Ballots must be mailed to a registered voters' residential or mailing address. We cannot give ballots to anyone other than the voter.

When will I receive my ballot?

Ballots are mailed approximately 30 days before an election. *Ballots cannot be forwarded by the post office.*

What if I lose (or never receive) my ballot?

If you have not received your ballot within two weeks after they are mailed, call our office. Your voter registration will be checked to ensure that the information is correct. If the address is correct, a replacement ballot will be sent. If your information has changed, your registration will need to be updated and a new ballot will be sent.

When must my ballot be returned?

Ballots must be received in the election office or a designated drop site by 8:00 pm on election night. Ballots that are mailed must have a postmark no later than the Monday before the election.

How do I mark my ballot?

****Use a black or blue ball point pen. Completely fill in the oval. ****

Follow directions carefully

Read the entire ballot before filling it out

Remove the stub on the top of the ballot

Sign the voter affidavit on the back of the return envelope

Lost or damaged ballots can be replaced by contacting the Election Office.

What if I make a mistake marking my ballot?

Cross through the incorrect oval and name. Fill in the correct oval. Circle both the oval and the name of the correct choice. *Make your intent clear. Remember! Do not sign or initial your ballot!*

Can two ballots be returned in the same envelope?

No! There should only be one ballot in each envelope. We must have an affidavit for each ballot.

Do I have to return my ballot by mail?

No. Ballots may also be returned to any polling location or at our office.

Why do I need to sign the ballot affidavit on the envelope?

This confirms the voter's identity.

What if my signature has changed?

Complete a new registration form and submit it to Salt Lake County Election Division. An online application as well as a mail-in form can be found on our website. If you do not have internet access, forms are found at post offices, libraries and our office.

What if I forgot to sign the affidavit on the envelope before I sealed it?

If you are not sure whether you signed your affidavit, sign the outside of the envelope.

What if I signed another voter's affidavit?

Cross off the wrong signature and sign the correct affidavit. If the envelope has already been sealed, you may sign the outside of the envelope.

I am unable to sign my ballot affidavit. Can someone else sign for me?

If a voter is unable to sign, they only need to make a mark ('X') for their ballot to count. The mark must be witnessed and the witness must sign the affidavit.

Individuals with power of attorney cannot sign the ballot affidavit for the voter.

How do I check the status of my ballot?

You may track your ballot by visiting our web address or by calling our office.

What if I want to vote at my polling location?

Take your ballot and return envelope with you to the polling location. Give your un-voted, unsigned ballot and envelope to a poll worker.

I am a US citizen living overseas or serving in the military. Am I eligible to vote?

Salt Lake County citizens who are either temporarily or permanently overseas and all active military personnel, including their spouses and dependents, are eligible to vote by absentee ballot under The Uniformed and Overseas Citizens and Absentee Voting Act (UOCAVA) and Utah law. You can find an application to vote by visiting www.fvap.gov. Complete, sign and submit the application to our office by mail, fax or email.

When are overseas and military ballots mailed?

Military and overseas ballots are sent 45 days prior to an election. We will continue to send ballots until Thursday before the election. Military and overseas voters may receive their ballot via email.

I need an emergency ballot. What do I do?

This is for registered voters who have been admitted to a hospital or care facility that still want to vote and the deadline to vote by mail has passed.

Please call our office.

Are there circumstances under which a voter can be required to vote a mail-in ballot?

Yes. Some cities have chosen to conduct their entire election by mail for 2019. There are also some precincts which have been designated as vote by mail precincts. The Salt Lake County Clerk's Office will automatically send a ballot to all active voters within these jurisdictions.

How do I remove my name from the permanent vote by mail list?

Just call our office and ask to be removed. You may also mail, fax or email your request.

CITY INFORMATION

ELECTED AND APPOINTED OFFICIALS

MAYOR

Michael J. Peterson

CITY COUNCIL MEMBERS

Mike Shelton	District 1
Scott Bracken	District 2
Tali C. Bruce	District 3
Christine Watson Mikell	District 4

EXECUTIVE STAFF

Tim Tingey	City Manager
Shane Topham	City Attorney
Matt Shipp	Public Works Director
Michael Johnson	Community and Economic Development Director
S. Scott Jurges	Finance and Administrative Services Director
Paula Melgar	Records, Culture and Human Resources Director and City Recorder
Robby Russo	Police Chief
Brad Gilson	City Engineer

TITLE 2

Title 2, "Governance and Administration," of the Cottonwood Heights Municipal Code covers in detail our form of government; city organization; elected officers; city council procedures; duties of the appointed officers and employees; responsibilities of each department; standing advisory committees and volunteers; budget and fiscal procedures; procurement requirements; claims and risk management; conflict of interest; and Government Records Access and Management (GRAMA). Following is a portion of the information from Title 2 you may find useful.

FORM OF GOVERNMENT

Cottonwood Heights was created out of the southeast portion of unincorporated Salt Lake County on January 14, 2005. The city has approximately 34,000 residents and encompasses 8.9 square miles of land area.

In the incorporation election, Cottonwood Heights residents chose the council-manager form of government pursuant to Utah Code Ann. §10-3-1201, *et seq.* The legislative branch of city government is vested in a five (5) person city council, with four (4) council members and a mayor. The mayor is elected at-large and the council members are elected by geographical districts that were established at the time of the incorporation vote. Each council member represents a specific geographical area of the city in which they must live. All elected officials serve four year terms. Council seats are staggered so that two seats are up for each municipal election. The mayoral election occurs the same years as the council member elections for Districts 3 and 4.

The executive branch of the city government is entrusted to a city manager. It consists of the statutory positions of city manager, city attorney, city treasurer, city recorder, city engineer and city finance officer, along with the subordinate officers and employees selected by the city manager. The qualifications and duties of the statutory positions are also defined by statute. The council and mayor select and hire the city manager. The city manager is the city's chief executive officer and is responsible to enact the council's policies and maintain an adequate staff of personnel. All administrative powers of the city government are vested in and exercised by the city manager and his subordinates.

Based on population, Cottonwood Heights is classified as a third class city. It provides a full range of municipal services including police and fire protection; construction and maintenance of streets and other infrastructure; planning and zoning; community and economic development; recreational and cultural activities; justice court and animal services. Cottonwood Heights contracts with the City of Holladay for justice court services. Water is provided directly to most residents by Salt Lake City Water. Sewer is provided by Cottonwood Improvement District. Except for the city's Mountview Park, parks and recreation services are provided by Cottonwood Heights Parks and Recreation Service Area. Fire and paramedic services are provided by Unified Fire Authority. Each of these is an independent subdivision of the state and is operated by an elected board and appointed personnel. The city self-provides police services, development services (including the issuing of building permits and scheduling of inspections), public works, issuing of business licenses, ordinance enforcement and animal control.

MUNICIPAL OFFICIALS

The city council consists of five voting members, including the mayor. The powers and duties of the city's mayor and city council are specified by state statute:

MAYOR – POWERS AND DUTIES

- Chair of the city council
- Presides at all city council meetings
- Votes in all council proceedings; the mayor has no veto power
- Executes all bonds, notes, contracts, and written obligations of the municipality or, in his absence, such documents shall be executed by the mayor pro tempore
- Serves as chief ceremonial officer of the city and represents the city in its external relationships
- Represents the will of the city council. When the mayor acts as spokesperson for the city council, he should speak for the majority of the city council. When speaking for himself in his capacity as an individual member of the city council, the mayor should clearly identify that limited capacity

CITY COUNCIL – POWERS AND DUTIES

- Exercises the legislative powers of city government, including the adoption of ordinances, resolutions, and policies; setting appropriate tax levies for general city services, adopting the city budget, and setting other general tax rates and service fees.
- Reviews and monitors the municipal administration, conducts public hearings and performs all other duties and responsibilities authorized or required by state law.
- Considers and gives, where appropriate, its advice and consent to the city manager on all proposed appointments to city boards, commissions, committees or other bodies or offices established to provide advice or assistance to the operation of city government, as may otherwise be required by state law or by joint resolution signed by the mayor and council.

CITY MANAGER – POWERS AND DUTIES

- Faithfully executes and enforces all applicable laws, ordinances, rules and regulations, and sees that all franchises, leases, permits, contracts, licenses, and privileges granted by the municipality are observed
- Carries out the policies and programs established by the council
- Organizes and directs the management of the executive affairs of the municipality in a manner consistent with this act and with municipal ordinances.
- Appoints a budget officer for the purpose of complying with the requirements of the Uniform Municipal Fiscal Procedures Act.
- Appoints, with the advice and consent of the council, a qualified person to each of the statutory offices in the city: recorder, treasurer, engineer, finance officer, and attorney; creates other offices as may be deemed necessary for the good government of the municipality; and regulates and prescribes the powers and duties of all other officers of the municipality, except as provided by law or by ordinance.
- Examines and inspects the books, records, and official papers of any office, department, agency, board, or commission of the municipality, and makes investigations and requires reports from personnel.

- Appoints, subject to the provisions of state law and of the municipal administrative code, and with the advice and consent of the council, suspends, and removes heads of municipal offices, departments, and agencies, and all appointive officers of boards and commissions.
- Establishes standards, qualifications, criteria, and procedures to govern the appointments, by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and municipal administrative code.
- Submits to the council plans and programs relating to the development and needs of the municipality, and annual and special reports concerning the financial, administrative, and operational activities of municipal offices, departments, agencies, boards, and commissions, together with his evaluation and recommendations relating to them.
- Attends all meetings of the council and takes part in its discussions and deliberations, but without the right to vote.
- Appoints, with approval by majority vote of the full membership of the council, an acting municipal manager to serve in his or her absence or temporary incapacity to perform the powers and duties provided for in this part; and discharges any other duties specified by statute or imposed by the council.

CITY COUNCIL MEETINGS

BUSINESS MEETINGS

The regular business meetings of the city council typically are held on the first and third Tuesdays of each month, at 7:00 p.m. in the council chambers.

WORK SESSIONS

Council work sessions typically occur on the first and third Tuesdays of each month, typically beginning at 5:00 p.m. and continuing until business is concluded, temporarily adjourning for any council business meeting that is to occur that evening.

SPECIAL/EMERGENCY MEETINGS

Special or emergency meetings may be called by the mayor or other members of the city council, as provided by Utah law.

CLOSED MEETINGS

Utah law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. Utah Code Section 52-4-4 provides, however, that a closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract, or appointment can be approved at a closed meeting. The reason(s) for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, must be cast by each council member, by name, and the vote shall be entered in the minutes of the meeting. Utah law allows a closed meeting to be held only for certain limited purposes, including the following:

1. Discussion of the character, professional competence, or physical or mental health of an individual; however, the council may not interview a person to fill an elected position in a closed meeting;
2. Strategy sessions to discuss collective bargaining;
3. Strategy sessions to discuss pending or reasonably imminent litigation; Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
4. Strategy sessions to discuss the sale of real property when:
 - (a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - (b) the public body had previously given public notice that the property would be offered for sale; and
 - (c) the terms of the sale are publicly disclosed before the public body approves the sale;
5. Discussion regarding deployment of security personnel, devices, or systems; and
6. Investigative proceedings regarding allegations of criminal misconduct.

COUNCIL ASSIGNMENTS

There are many committees, both with outside agencies and within the city, that require a council member to attend. In addition to the meetings officials need to attend, a great deal of time is spent responding to citizens' phone calls, emails and the like. The length and frequency of such interactions typically depend on the issues being considered by the council at any given time.

MUNICIPAL OFFICERS AND EMPLOYEES ETHICS ACT

The city's elected officers are required to comply with the Municipal Officers' and Employees' Ethics Act, which is reprinted below:

10-3-1301. Short title.

This part is known as the "Municipal Officers' and Employees' Ethics Act."

10-3-1302. Purpose.

The purposes of this part are 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.

10-3-1303. Definitions.

As used in this part:

(1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city. Appointed officers include, but are not limited to, persons serving on special, regular, or fill-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 municipality.

(2) "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.

(3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) "Compensation" means 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.

(5) "Elected officer" means any person elected or appointed to the office of mayor, commissioner, or council member.

(6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full or part-time basis by a municipality.

(8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63, Chapter 2, Government Records Access and Management Act or other applicable provision of law.

(9) "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, or his minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

10-3-1304. Use of office for personal benefit prohibited.(1) As used in this section, "economic benefit tantamount to a gift" includes:(a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and(b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.(2) It is an offense for an elected or appointed officer or municipal employee, under circumstances not amounting to a violation of Section **63-56-1001** or **76-8-105**, to:(a) disclose or improperly use private, controlled, or protected information acquired by reason of his 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;(b) use or attempt to use his official position to:(i) further substantially the officer's or employee's personal economic interest; or(ii) secure special privileges for himself or others; or(c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift that:(i) 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(ii) 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.(3) Subsection (2)(c) does not apply to:(a) an occasional nonpecuniary gift having a value of less than \$50;(b) an award publicly presented in recognition of public services;(c) any bona fide loan made in the ordinary course of business; or(d) a political campaign contribution.

10-3-1305. Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.(1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.(2) It is an offense for an elected officer, or appointed officer, who is a member of a public body, under circumstances not amounting to a violation of Section **63-56-1001** or **76-8-105**, to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which he is an officer unless he:(a) files with the mayor a sworn statement giving the information required by this section; and(b) discloses the information required by

Subsection (5) in an open meeting to the members of the body of which he is a member immediately before the discussion.(3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which he is employed unless the officer or employee:(a) files with the mayor a sworn statement giving the information required by this section; and(b) discloses the information required by Subsection (5) to:(i) his immediate supervisor; and(ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.(4) (a) The officer or employee shall file the statement required to be filed by this section ten days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days before the receipt of compensation by the officer or employee, whichever is earlier.(b) The statement is public information and shall be available for examination by the public.(5) The statement and disclosure shall contain:(a) the name and address of the officer or municipal employee;(b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and(c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

10-3-1306. Interest in business entity regulated by municipality-- Disclosure statement required.

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

(2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.

(3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities shall not be considered in determining the value of any such interest.

10-3-1307. Interest in business entity doing business with municipality -- Disclosure.

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.

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

(3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections 10-3-1305 and 10-3-1306.

10-3-1308. Investment creating conflict of interest with duties - Disclosure.

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality 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 body in the manner required by Section 10-3-1306.

10-3-1309. Inducing officer or employee to violate part prohibited.

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

10-3-1310. Penalties for violation - Dismissal from employment or removal from office.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is 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 officer or municipal employee has been twice before convicted of violation of this chapter 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.

10-3-1311. Complaints charging violations--Procedure.

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

(2) 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.

10-3-1312. Violation of disclosure requirements - Penalties - Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

(1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and

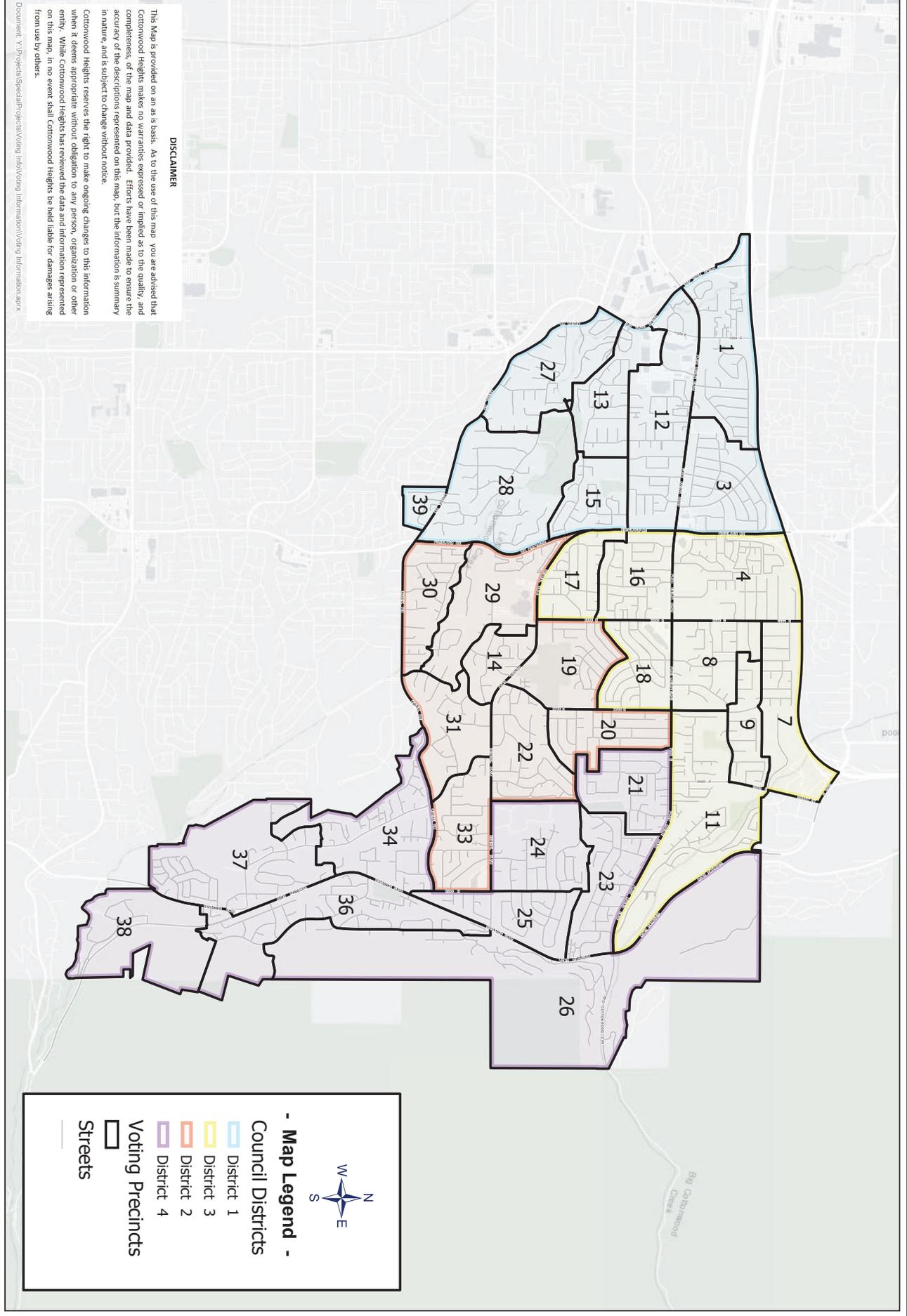
(2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Voting Information

DISCLAIMER

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- Map Legend -

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Council Districts

-  District 1
-  District 3
-  District 2
-  District 4

Voting Precincts

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Streets