

Formal Meeting
Thursday, June 1, 2023
5:00 p.m. – 7:15 p.m.

Join Via Zoom: <https://us02web.zoom.us/j/89652439234?pwd=eEsrNEYya0t6TjQxNC9kU25nbTkvUT09>
Passcode: 290149

Or Join at the Public Lands Administrative Building: 1965 W. 500 S. Salt Lake City, UT 84104
Upstairs Parks Training Room

Join by phone
1-669-444-9171
Webinar ID: 896 5243 9234
Passcode: 290149

AGENDA

1 – Convening the Meeting	5:00 PM
Call to order	
Chair comments	5 mins
2 – Approval of Minutes	5:05 PM
Approve May 6, 2023 meeting minutes.	5 mins
3 – 501c3 Presentation	5:10 PM
Staff summary report of 501c3. – Kristin Riker	30 mins
4 – Director’s Report	5:40 PM
Summary of current high-priority department items. – Kristin Riker or Carmen Bailey	5 mins
5 – Public Comment Period	5:45 PM
Verbal comments are limited to no more than 3 minutes; 15 minutes total. Written comments are welcome.	
5 – New Board member introduction.	6:00 PM
Introduce Talula Pontuti. – Carmen Bailey	5 mins
7 – Wasatch Hollow/Emerald Ribbon Updates	6:05 PM
Project updates. – Makaylah Respicio-Evans	15 mins
8 – CIP Presentation	6:20 PM
FY24/25 CIP project presentation. – Tom Millar	20 mins
9 – Trails Subcommittee – Action Item	6:40 PM
Review and approve Trails Subcommittee.	5 mins
10 – Donations – Action Item	6:45 PM
Approve donation threshold.	5 mins
11 – Staff Items	6:50 PM
Onboarding presentation, donation report, and OPMA. - Ashlyn Larsen	10 mins
12 – Confirmation of Next Meeting, Board Comments & Future Agenda Items	7:00 PM
Board comment and question period.	
Next meeting: July 6, 2023	
Request for future agenda items.	
13 – Adjourn	7:15 PM

Formal Meeting
Thursday, May 4, 2023
5:00 p.m. – 7:15 p.m.

Join Via Webex: <https://saltlakecity.webex.com/saltlakecity/j.php?MTID=m8ae1c791388c4d86a134c59c144e81de>

Or Join at the Public Lands Administrative Building: 1965 W. 500 S. Salt Lake City, UT 84104
Upstairs Parks Training Room

Join by phone:
1-408-418-9388
Access code: 2492 359 3934

UNAPPROVED MINUTES

1 – Convening the Meeting	5:00 PM
<p>Call to order</p> <ul style="list-style-type: none"> - Melanie Pehrson - Samantha Finch - Brianna Binnebose - Clayton Scrivner - CJ Whittaker - Ginger Cannon - Aaron Wiley - Meridith Benally 	
<p>Chair comments</p> <p>Ms. Binnebose thanked Ms. Larsen for all her hard work in bringing the Communications Subcommittee goals to life. Ms. Binnebose said Ms. Larsen has gone above and beyond, and they are excited to share with the rest of the Board what she’s been working on.</p>	5 mins
2 – Approval of Minutes	5:05 PM
<p>Approve April 6, 2023, meeting minutes.</p> <p>Ms. Binnebose pointed out one line that said, “Keep Your Coo” rather than “Keep Your Cool” on page 5. Mr. Wiley motioned to approve the minutes. Mr. Whittaker seconded the motion. The Board unanimously voted to approve the April 6th minutes.</p> <p>Ms. Larsen shared that given OPMA when it comes to the hybrid format, verbal confirmation is needed.</p>	5 mins
3 – Public Comment Period	5:10 PM
<p>Verbal comments are limited to no more than 3 minutes; 15 minutes total. Written comments are welcome.</p> <p>Ms. Binnebose reminded everyone while the Board loves Public Comments, it is only allowed during the Public Comment Period of Board meetings.</p> <p>Anne Cannon</p>	

<p>Anne Cannon is a member of the public in the Wasatch Hollow area. Ms. Cannon understands the Board oversees a lot of restoration, particularly to the preserve, but the park was also affected due to the recent flooding. Ms. Cannon said the park itself needed some work due to the destruction of vehicles at the time of the flooding, but also before, but the park itself has become a de facto dog park. Ms. Cannon would like the Board to look at the whole park (park and the reserve), not just the areas affected by the flooding so that they can find a place for the dog fountain and direct some of the restoration to allow for the park to find a place for people. Ms. Cannon said people can't enjoy the park because of how many hours are designated for dogs. She would like the Board to consider the options available to aid, manage, and meet the needs of the community in this park.</p> <p>The Board and staff had a further discussion about this member's comment.</p> <p><u>Bianca Shephard</u></p> <p>Bianca Shepard is a member of the Wasatch Hollow Community Council. Ms. Shepard shared that for the last several years, Wasatch Hollow has had off-leash dog hours in the park. Since this inception, things have changed with COVID and pet ownership skyrocketing, and with this, dog park usage has increased, which has driven other park users out of the park. Ms. Shepard would like the Board to consider the grinding demand for off-leash dog parks and how they can allocate space for them in other spaces so the demand can be decreased in this park. Also, consider sending some funding to Wasatch Hollow Park due to the flooding. She shared that in the Wasatch Hollow Community Council meeting, another person shared their concerns with off-leash dogs and people being chased by dogs.</p> <p>The Board and staff had a further discussion about this member's comment.</p>	
<p>4 – Director's Report 5:25 PM</p>	
<p>Summary of current high-priority department items. – Kristin Riker</p> <p>Mr. Allen shared that this will be his last PNUT meeting. He has accepted a position with Granite School District as a Communications and Marketing Administrator. He thanked the Board for their support during his time here. The Board thanked Mr. Allen for his work with the Board.</p> <p>Ms. Riker said they have hired a replacement for a Parks Operations Manager, Joe Ramos; Toby Hazelbaker is the Director, Kyle Shields, and Joe Ramos are the Operations Managers, and the supervisors are below Mr. Shields and Mr. Ramos. Mr. Ramos comes to Public Lands from the Rapid Intervention team with the City. He has a strong understanding of the issues staff face in their parks.</p> <p>Ms. Riker said they received a few complaints regarding the baseball fields. Staff are still hiring. They are between 7-10 full-time staff members at any given time and still hiring seasonal staff. Another issue staff has been facing with getting the parks ready is the long winter we've been experiencing. This caused park bathrooms to open later, and some of the baseball, soccer fields, etc., didn't look as good. The flooding has also pulled staff away to help with flood mitigation.</p>	<p>5 mins</p>

<p>Ms. Riker shared there have been concerns regarding equity and maintenance on the west side versus the east side. The staff has a work order tracking system they will review to compare. Ms. Riker said the west side has more issues with camping and vandalism, which keeps their staff running around. Some ballfield groups like to change the fields, which staff have to redo and rebuild. Ms. Riker shared that Councilmember Petro brought up an equity concern regarding the equity of some leagues and the way some referees ref. Public Lands are not for recreation; they reserve fields for other groups to hire their own referees and run those games. One way staff can help is to have a stated code of conduct when groups reserve their field to share. Ms. Riker is wondering if the Board, particularly Mr. Wiley, would be interested in working on a brief subcommittee to help Public Lands work on a code of conduct that could be community-supported. It's not enforceable, but it's something parents could point to and say what the City's code of conduct is on the fields.</p> <p>Mr. Wiley thanked Ms. Riker for all the work the staff has done, and he is excited to see how they can improve the experience for everyone. Mr. Wiley said he would be happy to jump onto a subcommittee. Ms. Cannon said she is also happy to explore this. She understands from a recreational standpoint, it's not something that Public Lands has been doing in the past. Ms. Riker said Mr. Nicholas Frederick, the Park Ranger Director, would also be happy to be a part of that group.</p>	
<p>5 – Glendale Regional Park Update</p>	<p>5:30 PM</p>
<p>Glendale Regional Park presentation. – Katherine Maus</p> <p>Ms. Larsen shared her screen to display Ms. Maus' presentation on the Glendale Regional Park Master Plan. Ms. Maus said in March, City Council unanimously approved the Glendale Regional Park Master Plan with no additional comments or input. Two public hearing dates were overwhelmingly positive. She thanked the Board for their help. Ms. Maus said they are nearly complete with the design for Phase 1. Construction documents will be ready to go by the end of next month, and at that point, they will bring a contractor on to begin construction this summer. The playground, basketball court, some lawn space, and pathways near the pavilion will be completed and open to the public by April 2024. The plaza and parking lot will follow shortly after. April 2024 is the Land and Water Conservation Fund deadline that they have to have active recreation open by, so this is why they are phasing it this way. Ms. Pehrson asked if they had a contractor yet. Ms. Maus said they are going out to bid, which takes about a month or two. Ms. Maus continued to share other groundbreaking details and future engagements. Ms. Binnebose asked Ms. Maus to keep the Communications Subcommittee looped in for engagement opportunities. Ms. Maus said once they have a contractor on Board, she would love to have their involvement in this.</p> <p>Ms. Cannon asked if since the playground is being built right along 1700 S, are there any concurrent traffic plans for this first phase. Ms. Maus shared there are current projects that are funded and ongoing on 1700 S. Due to PNUT and TAB's concern with traffic and being a high-priority item for the community, additional funding is being requested to make hawk signals to be red-light-stopping traffic. If funding is received, it will concurrently roll out with phase 1. Ms. Maus continued to share updates for 1700 S.</p>	<p>25 mins</p>

<p>Ms. Maus shared that Public Lands submitted a grant through the Outdoor Recreation Legacy Partnership. The state reached out to Salt Lake City asking about projects. At the end of April, they applied for an additional \$10 million for Glendale Regional Park to support the development of the outdoor pool facility and the water recreation elements along the Jordan River. Staff will be notified in January 2024. If they get the funding, they can begin detailed design. If they do not get the funding, they will use bond funding from the GO Bond to start the design of phase 2 anyways. Ms. Cannon asked if they needed a letter of support from the PNUT Board for the grant. Ms. Maus said they were down to the wire in getting the application submitted, so as a member of the CAC, Ms. Pehrson submitted a resident letter, but the state will not submit their grant until the 31st, so the PNUT Board can submit an additional letter if they'd like. Ms. Maus said she can forward that information along. Ms. Binnebose asked Ms. Pehrson to take the lead on a PNUT letter of support. Ms. Maus said a May 24th or May 25th deadline.</p>	
<p>6 – Og-Woi Gardens Update</p>	<p>5:55 PM</p>
<p>Update on Og-Woi Gardens. – Kristin Riker or Tyler Murdock</p> <p>Mr. Murdock explained that Og-Woi Community Garden was constructed along the Jordan River Parkway. This project was an act of civil disobedience in 2020 by a group of residents that wanted to start a community garden in a public space. At that time, the City began conversations with the garden group to figure out a solution, such as a possible agreement that the City might allow that to continue to exist. A survey was conducted in the Fall of 2021 and found the community was generally supportive of keeping this community garden. However, those closest to the garden raised a lot of concerns about the illegal use of the garden, not being approved by the City, and residents felt that people experiencing homelessness had increased because of it.</p> <p>The City tested the soil, and contamination was found on-site, which complicates the efforts to move forward with an agreement with the community garden users. After working with legal and other departments, the City concluded that the garden needed to be closed. A letter was provided earlier this year to cease operations and growing at the community garden until mitigation was completed. Public Lands recommended to garden users that they go through the CIP process. With how long the process can take, the community garden users asked for leniency, and staff encouraged them to work with Wasatch Community Gardens. They are going through a couple of different steps to gain community support and begin the CIP application process. Wasatch Community Gardens will be conducting additional community outreach starting in the next few weeks. Public Lands will enter into an agreement with Wasatch Community Gardens in working with Og-Woi.</p> <p>Ms. Riker said she is concerned with having agreements with individual groups that want to start community gardens on public property. Right now, Salt Lake City has eight community gardens, and they contract with Wasatch Community Gardens to oversee, work with the community, and work out any issues. Public Lands doesn't have the staff to be able to do it. If Public Lands does this with one group, then they'll have to do it with any other group that wants an agreement directly with the City. Staff</p>	<p>10 mins</p>

<p>continued to share plans regarding Og-Woi and other community gardens with Wasatch Community Gardens.</p> <p>Ms. Cannon asked if there has been discussion around changing ordinances to allow public spaces like this to exist. Ms. Riker said it's not against the ordinance to have a community garden on public lands. This group wasn't permitted by the City to create this garden on public land. The Board and staff continued to discuss the Og-Woi Garden. Staff shared how Wasatch Community Gardens has been helping with this issue.</p>	
<p>7 – Go Bond Update</p>	<p>6:05 PM</p>
<p>Update on Go Bond Projects. – Tyler Murdock</p> <p>Ms. Larsen shared her screen to display a presentation for the GO Bond. Mr. Murdock explained this presentation goes over the first tranche of funding from the GO Bond and what projects will be addressed. The first request is \$19 million. Mr. Murdock said the City normally issues multiple tranches, and Public Lands anticipates the GO Bond will be between 3-4 different issuances over the next 6-8 years. The first request will be \$9 million for Glendale Park, \$2 million for the renovation of the Liberty Park playground, \$850,000 for Allen Park, \$5 million for Folsom Trail, \$600,000 for public space at Fleet Block, \$500,000 for engagement for Fairmont Park, \$1 million for Reimagine Neighborhood Parks, and \$600,000 for the Jordan River Corridor. Mr. Murdock explained how the funds will be used for both the implementation and community engagement of all these projects.</p> <p>Mr. Murdock said the Reimagine Neighborhood Parks project spans the largest and has multiple parks in each council district. \$1,050,000 has been requested for the planning and engagement of these parks. During the bond process, there weren't parks identified so Public Lands has been working closely with the City Council to develop criteria on how these parks would be selected, and four criteria established:</p> <ol style="list-style-type: none"> 1. Asset condition and quality: lack of diverse activity generators, poor infrastructure condition, and lack of significant capital investment in the past decade. 2. High need/high reward: the park is in or adjacent to a greater need area identified in the 2019 Public Lands Needs Assessment, higher density of nearby users (current or expected), and opportunities for a significant increase in usage. 3. Safety and community ownership: potential to better highlight neighborhood identities and site histories and a history of elevated criminal activity and frequency of SLC mobile requests. 4. Economies of scale: opportunities to enhance already funded projects. <p>For District 1, the parks selected and approved by the City Council are Cottonwood Park and Steenblik Park. District 2, Madsen Park and Peace Labyrinth, and if funding allows, International Peace Gardens. District 3, Warm Springs and North Gateway Parks, and if funding allows, Freedom Grove in Memory Grove. District 4, Taufer and Richmond Park. District 5, Jefferson and Ida Cotton Park. District 6, Donner and Sunnyside Park. District 7, McClelland Trail. Mr. Murdock explained more about why these parks were selected. Mr. Scrivner asked what the design or amenities phase was for Taufer and Richmond. Mr. Murdock said right now they are just in the information gathering and public engagement standpoint. The Board and staff continued to discuss</p>	<p>20 mins</p>

<p>public engagement. Mr. Murdock continued to share how the first tranche of the funding will be allocated and when funding allocation should be approved by the City Council. Mr. Murdock assured the Board that just because they haven't received funding yet, work is still happening on some of these Bond projects for engagement. The Board and staff continued to discuss public engagement and Bond projects.</p>	
<p>8 – 501c3 Subcommittee Presentation</p>	<p>6:25 PM</p>
<p>Presentation and discussion of 501c3 subcommittee findings. – Samantha Finch</p> <p>Ms. Larsen shared her screen to display the 501c3 Subcommittee Presentation. Ms. Finch explained this is a final summary of the 501c3 exploratory subcommittee and that it's a collection of all the discussions and resources. Ms. Finch thanked everyone who helped. Ms. Finch explained the frequency with which they met, and it was before their current process of subcommittees. Ms. Finch said the objective of this subcommittee was to identify and engage with key community members and hold exploratory discussions regarding the viability of a Parks Foundation formed as a 501c3 to support the Public Lands Department; the scope was not to pursue the creation of a 501c3. Ms. Finch defined what a 501c3 was, how they pursued their objective, why they were exploring a 501c3 and an initial list of action items. She shared they met with different groups, such as the Minneapolis Park and Recreation Board (MPRB) and Salt Lake City residents. She thanked Ms. Cannon for introducing them to her connections with the MPRB. Ms. Finch explained who was in that discussion, the questions the subcommittee had, and some answers and feedback from the MPRB. Some questions asked were: what level of involvement was needed from the City to support a Parks Foundation in the initial stages, how did they navigate the politics associated with a City being involved in a 501c3, what was the major catalyst for forming, who took the lead, what were first steps, what guidance can be provided on timing, and how long did it take to form.</p> <p>Ms. Finch explained the difference between the MPRB and Salt Lake City Public Lands. The Minneapolis Parks Foundation is the primary philanthropic partner of the MPRB. It began in 2002/2003 when the city received seed money from Toyota. It eventually developed from just fundraising to including a programming element. The Minneapolis Parks Foundation has since funded several multi-million-dollar capital projects. Ms. Finch shared the MPRB's answers to their initial questions and advice. From these answers, the subcommittee created the next steps: should we initially pursue a foundation or partner with another 501c3 group, do we need to set up the administrative functions of the 501c3 first, could we start under the umbrella of another administration (partner with another nonprofit) while we attempt to formally establish the 501c3; how to balance timing, how do we balance the immediate funding needs like the Glendale Water Park versus longer-term goals like the 20-year Reimagine Master Plan, is there an urgency due to the explosion of city growth, is there a foundation in SLC that is willing to take on parks into its portfolio; and what is our catalyst, is there a West Side partnership that has a connection, is there an opportunity to involve Friends of Groups.</p> <p>Ms. Finch shared that Ms. Binnebose helped them create a mission and priority actions. The mission is to improve and sustain Salt Lake City parks and resources through partnerships, volunteerism, communications, and advocacy to support Public</p>	<p>20 mins</p>

<p>Lands' values of stewardship, livability, and equity. Priority actions would be organizational development, community outreach, advocacy, and fund development. Ms. Finch defined the goals, objectives, and strategies. She encouraged the Board to view all the goals, objectives, and strategies in their shared folder online. The goals Ms. Binnebose helped create based on the findings were: develop a non-profit organization to advocate and raise funds for Public Lands projects; conduct community outreach on the mission of the SLC Parks Foundation of the local key stakeholders to gain support and advocacy for the development of the foundation; support the long-term sustainability of Public Lands resources by increasing awareness and understanding among local decision-makers of the importance of providing appropriate funding, legislation, and resources; and identify and secure initial funding sources to sustain the board and support implementation of projects identified in the Salt Lake City Parks Master Plan.</p> <p>Ms. Finch shared the conversations they had with residents of Salt Lake City and what they learned. She said Michael Hughes was one of the first people they spoke to, and he did a presentation that is in the subcommittee's shared folder. The PowerPoint goes over the legal compliance in terms of 501c3 as well as the requirements of a 501c3. Ms. Finch continued to summarize conversations they had with SLC residents and their feedback. Ms. Riker thanked Ms. Finch for her work and time. Ms. Riker said she liked the outline and the effort they put into this, not having previous knowledge. Ms. Riker agreed the conversation with the MPRB was insightful and she's glad that those comments were captured. Ms. Riker liked the idea of involving Friends of Groups. The Board and staff continued to discuss the 501c3 presentation.</p>	
<p>9 – Trails Subcommittee Update</p>	<p>6:45 PM</p>
<p>Trails Subcommittee update.</p> <p>Ms. Binnebose said this wasn't an action item just for the subcommittee to share an update on the description, refine the scope, move forward to make it an action, and what support is needed from the Board. Mr. Whittaker said they had a meeting with Mr. Fonarow to define the scope and what their workload is. He said it's a long-term project and is like how Ms. Finch described the 501c3, where the work ebbs and flows. Right now, the staff is waiting for consultants to finish their work, and there's not a lot for the subcommittee to do. Mr. Whittaker said he updated the description. He said they've been looking into e-bike policies in the West. He shared that as an individual, he's been speaking to someone in California who is trying to solve the same problem for California state. He shared that Mr. Fonarow expressed there are not a lot of projects being made at the national level from the conferences he's attended. Otherwise, the subcommittee is still in the research phase, and the goal of that would be to report back to the Board to then decide what to do from there.</p> <p>Ms. Binnebose asked Mr. Whittaker to walk the Board through some of those changes. Ms. Larsen shared her screen to display the Trails Subcommittee description. The Board continued to discuss work being done during Trails Subcommittees. Ms. Cannon asked Mr. Whittaker for a timeline for the Board to establish the Trails Subcommittee under their new bylaws. Mr. Whittaker said the Board could vote on it today. Ms. Cannon said as the subcommittee that's proposing, the Board needs to be communicated with as to what the subcommittee is ready to do. Ms. Cannon said</p>	<p>10 mins</p>

<p>she's submitted feedback but hadn't heard anything back. Mr. Whittaker said it's ready to go for the Board to vote on it and that this is an update to their vision and scope. Mr. Whittaker said he could pose the question back to the Board if they need a Trails Subcommittee. The Board continued to discuss the Trails Subcommittee.</p> <p>Ms. Binnebose said she thinks the Board sees value in the Trails Subcommittee, and most of the discussion has been around refining and clearly defining the scope of work because it is such a large topic. She said it's mostly about focusing on and identifying issues that may be too big to propose working groups. Mr. Scrivner said he wanted to understand the scope and doesn't view the subcommittee negatively. Ms. Binnebose suggested having this as an action item for the next meeting and giving everyone time to review everything. Mr. Whittaker suggested writing a letter to the City to have a working group formed. The Board continued to discuss the Trails Subcommittee. Ms. Finch said she doesn't have a problem with a broad, general scope. Ms. Binnebose suggested an action item for Board members to review the Trails Subcommittee description, offer any last final suggestions, and get this on the next agenda for an action item. Ms. Binnebose suggested a deadline for additional feedback within the next two weeks to give the subcommittee time to review the feedback in preparation for the next meeting. Mr. Whittaker asked for the feedback to be submitted before May 18th. Ms. Binnebose said she will send an email with review deadlines.</p>	
<p>10 – Staff Items</p>	<p>6:55 PM</p>
<p>Donations, stipend updates, and Zoom transition. – Ashlyn Larsen</p> <p>Ms. Larsen said she went through and reviewed back to 2018 to see how many donations have been coming to the Board and what the average donation size was. She shared the number of donations from 2018 to 2023, so far, and the donated amounts. The average donation has been about \$2,000. Her recommendation, based on her findings, is for the Board to review \$2,000 or more and, however frequently the Board would like, to present all the donations made. Ms. Riker offered that alternatively, they don't have to approve donations. Ms. Finch liked the suggestion of \$2,000 or more. Ms. Cannon said she thinks it's still too minimal, and they should be focusing their attention on larger items. She would rather see those donations come through as reviews rather than action items. Ms. Binnebose asked what the frequency of donations was. Ms. Larsen said it varies. Ms. Riker suggested just when they come up. Ms. Binnebose liked the suggestion of just reviewing and not needing to approve. Ms. Finch suggested having an action item to vote on if the Board should only review, not approve, donations unless they exceed a certain threshold of around \$20,000-\$25,000. Ms. Binnebose suggested a threshold of historic donations, which was around \$10,000. The Board continued to discuss donations.</p> <p>Ms. Larsen said the finance department is still working on how they are administering stipends and working on a process for Board members who want to opt out. Ms. Larsen explained how the City is structuring Board members within their current system to properly pay Board members for their attendance in board meetings. Ms. Larsen asked the Board to let her know if they would like to opt-out so she could let the City know. The pay will date back to when the ordinance passed.</p> <p>Ms. Larsen said they will transition into the Zoom platform for future board meetings. Ms. Larsen said while she was going through the Zoom training, the liaison for the</p>	<p>5 mins</p>

Boards and Commissions for the Mayor’s office explained that Board members use chat features and that they don’t want them doing that for OPMA. The next board meeting will be over Zoom. Ms. Larsen shared that some boards will only allow public comments if they come in person but can still join virtually. Ms. Larsen explained how the meetings are recorded, it doesn’t save the chat so if a Board member is making comments, it won’t get added to the minutes, and it doesn’t align with OPMA. The Board and staff discussed the virtual aspects of board meetings and public comments.	
11 – Confirmation of Next Meeting, Board Comments & Future Agenda Items	7:00 PM
Board comment and question period	
Ms. Binnebose thanked everyone for their work today and asked for any last comments. Ms. Riker said on May 16th and June 6th at 7 PM that the Council will take public comments on the FY23/24 budget. Mr. Scrivner said Central City Neighborhood Council is doing a Taufer Park Block Party on May 13th from 10 AM – 3 PM.	
Next meeting: June 1, 2023	
Request for future agenda items	
Mr. Murdock mentioned acquisitions. Ms. Riker said depending on the status it may be either an open or closed Board update. Ms. Pehrson motioned to adjourn. Ms. Finch seconded. The Board unanimously voted to adjourn the meeting	
12 – Adjourn	7:15 PM

Staff Written Updates: PNUT – June 1, 2023

1. Miller Park CIP – Katherine Maus

- a. Public Lands is currently working on a CIP project in Miller Park funded through a constituent application in 2017. The goals of the project are to improve access to the trails and to preserve the historic structures. Initially, three projects were proposed to accomplish these goals. However, after assessment from two engineering firms, it was determined that these projects would not fulfill the two goals. However, twelve other projects were proposed, though not all could be accomplished with the current funding allocation. Therefore, from February to March 2023, Public Lands initiated a period of public engagement to gauge the interests of the community and to request participants to prioritize themes and projects that could be implemented. Since the engagement ended in March, Public Lands and City staff have been reviewing and analyzing the responses and comments to assess the community's priorities. Overall, projects that include trail slope improvement and trail protection (including the historic WPA walls) have been consistently prioritized. Public Lands will release a public engagement report in June summarizing the engagement efforts, and the results and provide formal recommendations for projects based on the public engagement. These recommendations, along with other comments Public Lands received during this process, will be sent to City Council in the form of a budget amendment, anticipated for transmittal in July. More information on the CIP project can be found at <https://www.sl.gov/parks/miller-bird-refuge-and-nature-park-capital-improvement-program-projects/>, and Public Lands will share the engagement report with the Board as soon as the internal review process has been completed.

2. Liberty Park

- a. *Seven Canyons Fountain – Katherine Maus*
 - i. Seven Canyons Fountain has been closed since 2017 because it failed to meet Salt Lake County Health Department code. In 2018, the Department of Public Lands received funds for the fountain site. Since then, the City has completed two feasibility studies and a period of public engagement to determine what is possible for the feature in the future. The options included decommissioning the fountain, reimagining the artwork as a dry feature, and multiple opportunities as a full-flow and reduced-flow water feature that could reuse the water as irrigation. The studies found that restoring water to the fountain far exceeded project budgets and would still utilize a significant amount of water. Following an engagement process with the public and the original artists, City staff has recommended moving forward with converting the piece into a dry fountain. Public Lands submitted a Budget Amendment request last month to change the scope of the funding to accommodate the transition into a dry feature. A public hearing on the amendment occurred earlier this month, and City Council will tentatively be making their decision on the request in early June. Salt Lake City Council will be confirming this direction in June, with design and construction to follow. Short-term volunteer events with community members will occur this spring and summer to make aesthetic improvements to the site.
- b. *Liberty Park – Makaylah Respicio-Evans*
 - i. *Basketball Court*
 1. The Liberty Park Basketball Court project was funded through CIP in 2022. The project was initially funded for resurfacing only, but upon closer inspection, it was determined that the court was in failed condition and needed a full replacement. The design is nearing completion. The new court will be concrete with new basketball standards. The project will also add seating and perimeter fencing to the court. Reconstruction of the court is anticipated to take place this summer. In 2022, the Art Design Board selected this project to receive public art funding. The Arts Council and Public Lands are working closely with the UMFA to identify and select artwork in their collection for duplication on

the court. The Arts Council will conduct an engagement process and a public vote to select the final artwork. The selected artwork will be painted on the court next spring.

ii. Fireplaces

1. The three historic fireplaces at Liberty Park have been subjected to significant damage from vandalism and theft. Parks identified funding to repair and decommission the fireplaces to prevent future damage. The project is currently in design and is anticipated to be constructed this year. Public Lands is working with the historic planning team to ensure the appropriate preservation of these fireplaces in the redesign.

c. Liberty Park Rotary Playground – Ronnie Pessetto

- i.* Public Lands is currently working on kicking off the engagement for Liberty Park's Rotary Park Playground. The objective of the community engagement plan is to capture a variety of backgrounds and ages to reinvigorate the playground. To accomplish this goal, we are planning multiple forms of community engagement throughout the first engagement window. The first form of engagement will be a traditional survey. We are putting our final touches on that, along with the website. We will make a public announcement when the website and survey are complete. The second form of engagement will be through in-person engagement such as tabling at events (i.e., Farmers Market); Walk and Chat through the playground with community stakeholders (i.e., community council); and pop-up shops at the park with a visual preference survey for residents to vote on their desired playground amenity. The final form of engagement will focus on children. We are partnering with Salt Lake City Arts Academy to do a one- or two-day engagement activity with children participating in their summer program. Engagement will take the form of the following: children building their ideal playground through Legos, making a collage, and voting on their favorite playground amenities through an image-based preference survey. We want to reach a broader audience of children and are awaiting responses from public schools near the park and the YouthCity program. Public Lands will share our findings with the Board once the engagement window closes.

Donation Summary Report: PNUT – June 1, 2023

1. Tree donation to Rose Park Golf Course
 - a. Tree donated in honor of a City-employee
 - b. Donation amount: \$300
2. Tree donation to Fairmont Park
 - a. 5 trees were donated and planted at Fairmont Park
 - b. Donation amount: \$1,525

1. **Political Activity of Salt Lake City Corporation Employees, Officers, and Elected Officials**
Frequently Asked Questions

With another election season under way, it is important to be familiar with the rules and restrictions regarding political activities of City employees, officers, and elected officials. This information guide sets out the applicable state and city laws and regulations. The explanations and examples given are merely for illustration and are not intended to interpret the law or cover every possible situation. Following each question and answer about political activities of City personnel is a box with the governing laws.

2. **Voluntary Political Activities**

- a. **May I contribute money to a political candidate or political party or political cause?**
Yes.

Utah Code § 10-3-1108:

6) Nothing in this section may be construed to:

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

- b. **May I be a member of a political party?**
Yes.

- c. **May I vote for any candidate I choose?**
Yes.

- d. **May I tell or discuss with other employees whom I plan to vote for?**
Yes; however, during business hours of employment you may not express your political views or opinions so often or in such a way that (1) you are engaging in political campaigning or (2) you are adversely affecting the work environment.

- e. **May I wear a political button or political-promotion t-shirt while on the job?**
No, because City employees cannot engage in political campaigning during their hours of employment.

Utah Code § 10-3-1108(2)(c):

“[A] municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment”

Utah Code § 10-3-1108(1):

“‘[H]ours of employment’ means occurring at a time when an officer or employee is acting within the course and scope of employment, but excludes a lunch break afforded to the officer or employee.”

Salt Lake City Code § 2.52.250(B):

“Nothing contained in this chapter shall be construed to restrict the right of the employee to hold membership in, and support, a political party, to vote as he or she chooses, to express his or her personal opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings after working hours; provided, no such actions shall unreasonably disrupt the operations of the city, undermine the authority of any city employee or officer, or destroy working relationships within the city.”

- f. Can an elected City official ask an employee to contribute to their re-election campaign?

Yes; however, an elected City official cannot coerce or direct a City employee to do so, nor can the elected City official promise the City employee a promotion or other favorable personnel treatment (see Questions 12-14, 18)

- g. Within Salt Lake City, may I place a campaign sign or poster in the park strip between the sidewalk and street in front of my house?

No. The City owns the park strip, and nobody, whether or not a City employee, can place such signs on that property.

Salt Lake City Code § 5.06.030.

“It is unlawful for any person to advertise by the use of printed signs, posters, placards or other advertising media, upon the streets and sidewalks of the city, except in accordance with title 21A, chapter 21A.46 of this code, or its successor.”

- h. May I participate in non-partisan “get out the vote” or other non-partisan activities alone or as part of a group (e.g., League of Women Voters)?

Yes because such non-partisan activities are not for political purposes

- i. What are the limits on campaign contributions and fundraising?

Please see Salt Lake City Code 2.46.050 and refer to the City Recorder’s Office/Elections webpage for the most current numbers. Anonymous contributions are prohibited.

- j. Can an elected City official or a policy-making appointee speak out on political issues, urge people to vote for a particular candidate or contribute their personal funds toward a candidate?

Yes, unless such activities violate Utah Code 10-3-1108 (relating to political activity of City employees, see Questions 7, 8, 11-14, 21, 22, and 24) or City Code 2.44.040(B) relating to corrupt use of an employees City position (see Question 16)

Utah Code § 20A-11-1206 (1) See separate document on added sections.

“Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.”

Utah Code § 20A-11-1202(16)(a) See separate document on added sections.

“Public official’ means an elected or appointed member of government with authority to make or determine public policy.”

Example: The Mayor, a member of the City Council, or a member of the Airport Board.

Utah Code § 20A-11-1202(11) See separate document on added sections.

“Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election;” or . . .

3. Use of City Time & Equipment for Political Activities

a. May I campaign for a political candidate during my City work hours?

No, except during your lunch break. A City employee, while at work (except during lunch break) may not use their time to engage in active support of a particular candidate (calls, distribution of candidate literature, solicitation of contributions). Furthermore, the exception for the lunch break is subject to the restrictions regarding use of City-owned equipment for political activity (see Question 7). Work hours generally applies to regular business hours, but includes any time you are doing work on behalf of the City that it within your job description.

b. May I put a political sign on the desk in my City office area?

No – constitutes political campaigning during work hours and use of City equipment for political activity.

c. May I place a political bumper sticker:

◆ On a City-owned vehicle assigned to me?

No – constitutes as use of City equipment for political activity.

◆ On my personal vehicle that I park in a city-owned parking lot?

Yes, unless it is done in a manner constituting engagement in political campaigning or that unreasonably disrupts the operations of the City, undermines the authority of any City employee or officer, or destroys working relationships within the City. Whether it is political campaigning or unreasonably disruptive depends on the circumstances (size or visibility of the vehicle and or number/size of the bumper sticker).

◆ On my personal vehicle that I don't drive to work?

Yes

Utah Code § 10-3-1108(2)(c):

“A municipal officer or employee may not engage in political campaigning or solicit political contributions during hours of employment.”

Utah Code § 10-3-1108(1):

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

Utah Code § 10-3-1108(2)(d):

“a municipal officer or employee may not use municipal equipment while engaged in political activity.”

d. May I use my City:

- ◆ Phone or assigned device to contact people to urge them to vote for a particular candidate?

No. A City employee may not, at any time, use their City-owned device to (1) contact people to encourage them to support/oppose a particular candidate; (2) produce or create campaign literature; (3) schedule a candidate’s activities*; or (4) perform work for a candidate.

*Coordination of calendar/scheduling for incumbent elected officials (City employees) may be completed with minimum allowance.

- ◆ Office space (during my lunch break or outside of my work hours) to contact people to urge them to vote for a particular candidate?

No. While the use of one’s City office space may not literally constitute use of City “equipment,” it violates the spirit of the prohibition. Non-use of City office space for political purposes would also further the goal of avoiding the appearance of impropriety.

- ◆ Email for political purposes?

No.

Utah Code § 10-3-1108(2)(d):

“a municipal officer or employee may not use municipal equipment while engaged in political activity.”

Salt Lake City Procedures: Security (Information Technology): Acceptable Use Procedure — Appendix B – Unacceptable Use of Information Resources:

“The following list is currently considered unacceptable use of corporate resources.

* * *

4. Religious or Political Lobbying – Any use for religious or political lobbying, such as using E-mail to circulate solicitations or advertisements.”

Utah Code § 20A-11-1205:

(1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:

(a) for a political purpose;

(b) to advocate for or against a proposed initiative, initiative, proposed referendum, or referendum, a proposed bond, a bond, or any ballot proposition; or

(c) to solicit a campaign contribution.

(2)(a) The lieutenant governor shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:

(i) up to \$250 for a first violation; and

(ii) except as provided in Subsection (3), for each subsequent violation committed after the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.

(b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

(3) The lieutenant governor shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.

(4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.

(5) A person does not violate this section if:

(a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the person using the email of a public entity;

(b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;

(c) the information the person emails is an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument that:

(i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and

(ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

(d) the person is engaging in:

(i) an internal communication solely within the public entity;

(ii) a communication solely with another public entity;

(iii) a communication solely with legal counsel;

(iv) a communication solely with the sponsors of an initiative or referendum;

(v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum;
or

(vi) a communication solely with a person involved in a business transaction directly relating to a project described in Subsection (5)(d)(v).

(6) A violation of this section does not invalidate an otherwise valid election.

(7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection 63G-2-103(22)(b)(i).

- e. May the City run political campaign commercials on Channel 17 or on any City YouTube Channels or social media connections?

No.

*Salt Lake City, Utah Policies and Procedures Manual : SLC 39 [now 17]
Government Cable Television Channel:*

52-9-4(F) "SLC 39 [now 17] is not to be used for political . . . use."

- f. May City departments include on the City’s website or on government social media accounts, include links or tags to websites or social media pages or profiles of political candidates or political parties?

No. The City may not include links to only some of the candidates or use social media tags of only some political candidate pages or profiles as it because that would be partisan political activity and suggest City support of the government association to City for specific candidates. However, the City (generally through the Recorder’s office) could, as an informational service, provide links or tags to the websites or social media pages or profiles of all candidates that have websites or social media pages or profiles.

Additionally, the City may not include links to only some political parties or use social media tags of only some political parties’ pages or profiles because that would be partisan political activity and suggest City support for specific political parties. However, the City (generally through the Recorder’s office) could, as an informational service, provide links or tags to the websites or social media pages or profiles of all political parties that have websites or social media pages or profiles.

Salt Lake City, Utah Policies and Procedures Manual: Website:

52-8-3(C) “The City’s site shall not be used for . . . political purposes.”

52-5-9 – Appendix B: Acceptable Use Procedure – Appendix B – Unacceptable Use of Information Resources:

“The following list is currently considered unacceptable use of corporate resources.

* * *

4. Religious or Political Lobbying – Any use for religious or political lobbying, such as using E-mail to circulate solicitations or advertisements.”

Utah Code § 10-3-1108(2)(c)(d):

“a municipal officer or employee may not use municipal equipment/time while engaged in political activity.”

4. Interaction between Supervisors and Subordinates and Between Coworkers

- a. Can the City deny employment to a job applicant because the person making the hiring decision doesn’t like the applicant’s political beliefs?

No. The City may not deny employment to a person because of that person’s political beliefs, activities or affiliations.

Utah Code § 10-3-1108(2)(a):

“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.”

- b. Can the City fire or discipline an employee because the employee supports a particular candidate or holds particular political views?

No. The City may not hire, promote, fire, discipline or demote a person based on that person's political beliefs, activities, or affiliations.

Utah Code § 10-3-1108(2)(b):

“An 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, disciplinary action, demotion, or dismissal.”

Salt Lake City Code § 2.48.010:

“It is unlawful for any elected official, or any representative of an elected official, of the city to in any manner intimidate or coerce any officer or employee of the city to make, or refrain from making, any contribution in money or in services to any candidate for political office, city or otherwise, or to any political party.”

- c. Can a City elected official, supervisor, officer or employee pressure a subordinate or co-worker to:

- ◆ Attend a fundraising dinner for a candidate?
- ◆ To stay late after work to stuff political flyers into envelopes?
- ◆ To attend a political rally in order to create the appearance that the candidate has many supporters?

No. Any of those actions above would violate the law.

Utah Code § 10-3-1108(2)(e):

“A municipal officer or employee may not directly or indirectly coerce, command, or advise another municipal 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.”

- d. Can a City supervisor, officer or employee:

- ◆ Promise a subordinate a promotion or bonus if the subordination supports a particular candidate or political party?
- ◆ Threaten to make a subordinate an at-will employee unless the subordinate supports a particular candidate or political party?

No. Any of those actions would violate the law.

Utah Code § 10-3-1108(2)(f):

“A municipal 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.”

- e. Can my boss or any of my superiors intimidate or coerce me to contribute money to a political candidate or campaign, such as by saying: “If you ever want to get promoted, you had better send a check to the election committee of _____?”
No.

Salt Lake City Code § 2.44.160:

“No public servant shall in any manner intimidate or coerce a public servant or volunteer public servant subordinate to him or her to do business with him or her or to make any financial contribution.”

- f. Can I ask another City employee to give money or services to a political party?
No.

Salt Lake City Code § 2.52.250(A):

“. . . No city employee or official shall solicit orally, or by letter, or be in any other manner concerned in obtaining any assessments, contributions or services for any political party from any city employee.”

- g. Can I ask another City employee to give money or services to a particular candidate?
Yes; however, (1) you cannot do so during office hours [or on City property]; (2) if you are the employee’s supervisor you may not coerce them to do so. See questions 14-15.
- h. Can I authorize a payroll deduction from my salary if the money is to go to another person for use in a political campaign?
No.

Salt Lake City Code § 2.48.020:

“It is unlawful for any officer or employee of the city to require or authorize the deduction from his or her wages or salary of any sum to be turned over to any other person or organization or political party to be used for political purposes.”

- i. Can an elected City official or a member of their staffs lawfully intimidate or coerce me to attend a political rally, or a political fundraising event, or to put a political sign in my office or in my yard?
No.

Salt Lake City Code § 2.48.030:

“It is unlawful for any elected official, or any representative of any elected official, of the city, to in any manner intimidate or coerce an officer or employee of the city to engage, or refrain from engaging in any political activity on behalf of such official, or any other official, or on behalf of any political party.”

j. **Can a City employee use or refer to his or her City title in publicly endorsing a candidate?**

Not if done “corruptly,” (definition below). A City employee may not corruptly use their official City position to secure special privileges for another person.

Salt Lake City Code § 2.44.040(A)(2):

“A public servant or volunteer public servant may not: * * *

2. Corruptly use or attempt to use the public servant’s or volunteer public servant’s official position to: a) further substantially the public servant’s or volunteer public servant’s financial or professional interest or the financial or professional interest of others; or b) secure special privileges for the public servant or volunteer public servant or others.”

Salt Lake City Code § 2.44.020:

CORRUPTLY: Any act done with wrongful intent and for the purpose of obtaining or receiving any financial or professional benefit or detriment resulting from some act or omission of a public servant or volunteer public servant that is inconsistent with the proper performance of his or her public duties.”

Utah Code § 10-3-1304(2)(b):

“(2) Except as provided in Subsection (4) [relating to bribes], it is an offense for an elected or appointed officer or municipal employee to: * * *

(b) use or attempt to use the officer’s or employee’s official position to:
(i) further substantially the officer's or employee's personal economic interest; or
(ii) secure special privileges for the officer or employee or for others.”

5. **Running for Political Office; Leave of Absence**

a. **Can I serve in an elective or appointive office for another governmental entity, such as the state, another city or county?**

Yes, you may hold any elective or appointive public office if it is an assigned part of your City employment.

In addition, you may hold the following offices of positions:

- ◆ Voting district officer or delegate
 - ◆ Member of the Utah State Legislature
 - ◆ any other part-time elective or appointive public office (other than Salt Lake City Council or office in a political party)
- b. Can a City officer or employee (other than the incumbent Mayor or an incumbent City Council Member) be Mayor or serve on the City Council of Salt Lake City?
A City officer or employee (other than the incumbent Mayor) may not serve as Mayor, except as an assigned part of their City employment.

A City officer or employee (other than an incumbent City Council member) may not serve as a member of the City Council.

Salt Lake City Code § 2.52.250(A):

“No nonelected officer and no employee of the city shall hold elective or full time appointive public office during his or her employment except as an assigned part of that employment. This section shall not apply to voting district officers and delegates, members of the Utah state legislature, or other part time elective or appointive public office; provided, however, no nonelected officer and no employee shall hold the office of city council. No city employee or official shall solicit orally, or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any city employee.”

- c. If I decide to run for political office, what are the rules about leaves of absence and use of vacation or other leave time to campaign?

The City, in its discretion, may give you a leave of absence from your City employment between the primary and general elections. Also, you may use your vacation or personal leave time to campaign during what otherwise would be your work hours.

However, any City employee who wishes to run for City Council or for full time elective public office may request and obtain a leave of absence without pay from City employment or use available vacation benefits: (1) between the primary election and the earlier of the general election and the date the employee ceases to be a candidate for that office, and (2) during the person’s term of office if elected.

Utah Code § 10-3-1108(3):

“A municipal employee who has filed a declaration of candidacy may:
 (a) be given a leave of absence for the period between the primary election and the general election; and
 (b) use any vacation or other leave available to engage in campaign activities.

Salt Lake City Code § 2.52.250(C):

“Any nonelected officer and any employee who wishes to seek election to the Salt Lake City council, or to full time elective public office, may request and

obtain a leave of absence without pay from city employment or use available vacation benefits: 1) between the primary election and the earlier of the general election for such office and the date the person ceases to be a candidate for that office, and 2) during the person’s term of office on the city council or full time elective public office. Such a nonelected officer or employee who does not request a leave of absence remains subject to any applicable prohibition against the use of city time or equipment for political activity.”

d. If I win election to a public office, what are the rules about leaves of absence and use of vacation or other leave time to serve in office?

You may, in the discretion of the City, take a leave of absence from your City employment without pay for the term of your service in elective office. Also, you may use your vacation time to serve in office.

Utah Code § 10-3-1108(4):
“If a municipal officer or employee is elected to a public office, the employee may:
(a) be given a leave of absence without pay for the time during which the employee receives compensation for service in the public office; and
(b) use any vacation or other leave available to serve in the public office.”

e. Can the City fire or discipline me because I run for a political office or take a leave of absence to run or serve in elective office?

No.

Utah Code § 10-3-1105(5):
“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.”

6. Political Activities of the City

a. Can the City lawfully spend tax revenue for television commercials urging people to vote for a particular candidate?

No.

Utah Code § 20A-11-1203(1):
“Unless specifically required by law, and except as provided in Section 20A-11-1206, a public entity may not: (a) make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum, or (b) publish on the public entity’s website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum.”

Example: The City is a “public entity.”

Utah Code § 20A-11-1203(3), (4):

(3) This section does not prohibit the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.

(4) This section does not prohibit:

(a) a public entity from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed referendum;

(b) an elected or appointed official of the public entity described in Subsection (4)(a) from using the research, information, or arguments described in Subsection (4)(a) for the purpose of advocating for or against a ballot proposition, proposed initiative, or proposed referendum via a website, or another medium, not owned or controlled by the public entity;

(c) a public entity from posting on the public entity's website a link to another website, with a brief description, that is not owned or controlled by a public entity, or from publishing in any medium owned, controlled, or paid for by a public entity a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition, proposed initiative, or proposed referendum if the public entity:

(i) before posting the link or publishing the address, provides at least seven days written notice to the sponsors of the ballot proposition, proposed initiative, or proposed referendum: (A) of the public entity's intent to post the link or publish the address; (B) a description of each medium in which the public entity intends to post the link or publish the address; and (C) the dates of the publication or posting; and

(ii) posts, immediately adjacent to the link or address, and brief description described in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description, containing the sponsors' research, information, and arguments for or against the ballot proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or address within seven days after the day on which the sponsors receive the notice described in Subsection (4)(c)(i); or

(d) a public entity from posting on the public entity's website, or any medium, a complete copy of a proposition information pamphlet described in Section 20A-7-401.5 or a voter information pamphlet. *Utah Code § 20A-11-1202(2)*

Utah Code § 20A-11-1202(2):

“Ballot proposition’ means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.”

See separate document on sections added.

Utah Code § 20A-11-1202(5):

“Expenditure’ means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

Example: The City donates cash or property, lends money, buys a political tee shirt, or requires a City employee to use his or her time (which has value) in campaign efforts.

(b) 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;

Example: The City promises a candidate that it will do any of the things in the previous example.

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

Example: The City deposits money into the bank account of a candidate’s personal campaign committee.

(d) a transfer of funds between a public entity and a political issues committee; or

Example: The City deposits money into the bank account of a political issues committee (for example, a group that tries to influence people about a ballot proposition, such as a proposed bond issue).

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.”

Example: The City sells used computers at less than fair market value to a personal campaign committee.

Utah Code § 20A11-1202(8)

“Influence’ means to campaign or advocate for or against a ballot proposition.

Example: The City includes a message on your paycheck stub, urging you to vote for a bond issue.

Utah Code § 20A-11-1202(11):

“Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any

a) candidate for public office at any caucus, political convention, primary, or election; or . . .

Example: A television or radio commercial urging voters to vote for or against a candidate; putting a candidate’s campaign sign on someone’s lawn; or attending a political rally in support of a candidate.

Utah Code §20A-11-1202(15)

“(a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.

Example: Property and sales taxes; license and permit fees; investment income of the City.

(b) "Public funds" does not include money donated to a public entity by a person or entity.”

Example: A private donation to the City of a large sum of money as a reward for information about a crime.

- b. Can an elected City official or a policy-making appointee speak out on political issues, urge people to vote for a particular candidate, or contribute his or her own money toward a candidate?

Yes, unless such activities violate Utah Code § 10-3-1108 (relating to political activity of City employees – see Questions 7, 8, 12-15, 22, 23, and 24) or City Code § 2.44.040(B) (relating to corrupt use of an employee’s City position – see Question 17).

Utah Code § 20A-11-1206(1):

“Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.”

Utah Code § 20A-11-1202(11)

“Political purposes’ means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate for public office at any caucus, political convention, primary, or election; or” . . .

Utah Code § 20A-11-1202(16)

“Public official’ means an elected or appointed member of government with authority to make or determine public policy.”

(b) “Public official” includes the person or group that:

(i) has supervisory authority over the personnel and affairs of a public entity; and

(ii) approves the expenditure of funds for the public entity.

Example: The Mayor, a member of the City Council, or a member of the Airport Board.

c. Can the City publish a flyer stating why the City needs a new library and informing people that a bond election is upcoming to vote on whether bonds to pay for the library should be issued?

Yes, if the flyer allows opponents of the bond issue to state why they oppose the bonds.

Utah Code § 20A-11-1206(2), (5):

6) Nothing in this section may be construed to:

“(a) Subject to Subsection 2

(b), nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.” (b) A . . . municipality may not provide any information to the public about a proposed initiative, initiative, proposed referendum, or referendum unless the . . . municipality:

(i) provides the information in a manner required, or expressly permitted, by law; or

(ii) is directly providing information solely to a person or a group of people in response to a question asked by the person or group of people.

(5) Subject to Subsection (6), a . . . municipality may expend a reasonable amount of public funds to:

(a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

(b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.

(6) A . . . municipality may not:

(a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, unless, at the same time and in the same manner, the . . . municipality publishes each opposing argument and rebuttal argument that:

(i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and

(ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

(b) publish an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum that was not

prepared and submitted in accordance with Section 20A-7-401.5 or 20A-7-402; or
(c) present an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum at a public meeting, unless the . . . municipality provides equal opportunity for persons to present opposing arguments and rebuttal arguments at the public meeting.

The City is a “public entity” and a “municipality.”

Utah Code § 20A-11-1202(2)

“Ballot proposition’ means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.”

d. Can the City pay for a radio commercial simply encouraging people to vote at an election, without encouraging them to vote for particular candidates?

Yes.

Utah Code § 20A-11-1206(3):

“Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.”
The City is a “public entity.”

e. Can an elected City official express support for or opposition to a ballot proposition?
Yes, but not in a way that violates Utah Code § 10-3-1108 (relating to political activity of City employees – see Questions 7-9, 11-14, 21, 22, and 24) or City Code § 2.44.040(B) (relating to corrupt use of an employee’s City position – see Question 16).

A “ballot proposition” is a question submitted to the voters for their approval or rejection. It would include, for example, a vote to issue bonds for a new library, or to add fluoride to the water supply.

Utah Code § 20A-11-1206(4):

“Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.”

Utah Code § 20A-11-1202(2)

"Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond

approvals, or other questions submitted to the voters for their approval or rejection.”

7. Actions of Candidates

- a. Can a candidate lawfully promise a City office or position to someone if the candidate wins the election?

No.

Utah Code § 20A-1-608:

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Utah Code § 20A-1-601

1) A person may not, directly, indirectly, or through any other person:

* * *

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or

(iii) obtain the political support or aid of any person;



Public Lands

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Staff Responses to Public Comments from the May 4, 2023, PNUT Board Meeting

Anne Cannon

Anne Cannon is a member of the public in the Wasatch Hollow area. Ms. Cannon understands the Board oversees a lot of restoration, particularly to the preserve, but the park was also affected due to the recent flooding. Ms. Cannon said the park itself needed some work due to the destruction of vehicles at the time of the flooding, but also prior to, but the park itself has become a de facto dog park. Ms. Cannon would like the Board to look at the whole park (park and the reserve), not just the areas affected by the flooding so that they can find a place for the dog fountain and direct some of the restoration to allow for the park to find a place for people. Ms. Cannon said people can't enjoy the park because of how many hours are designated for dogs. She would like the Board to consider the options available to aid, manage, and meet the needs of the community in this park.

Staff Response:

Public Lands staff have been working closely with members of the Wasatch Hollow Community Council for over a year on challenges related to off-leash dogs in Wasatch Hollow Park. Public Lands has installed new signage throughout the park clearly outlining designated off-leash hours and locations. Public Lands is also working with the new Park Ranger team to increase education and provide a more proactive presence in the park to help users understand the shared use aspect of this park. This remains a small intervention in need of a more robust solution. Public Lands worked with the Community Council to submit a CIP application that would fund engagement and visioning of the park, including new options for the off-leash dog area. Currently, this application has not been recommended for funding by the CDCIP Board or the Mayor. If this application is not funded, Public Lands is limited in the time and resources that can be dedicated to further engagement and improvements on this issue. The Planning and Parks teams will be meeting to discuss potential options for moving the off-leash area and restoring grass that has become difficult to maintain. If community members would like to see a more significant shift in the structure of the off-leash area (such as full fencing), a formal request must be submitted to Public Lands by the Community Council to begin the process of an ordinance change.

Public Lands is aware of the limited space available for off-leash dogs in the face of rising demand from dog owners across the City. Planning staff are beginning to explore options for additional off-leash dog space to meet this demand. Public Lands is also recommending an additional operation budget for

increased enforcement through Salt Lake County Animal Services program. This request would be included in the FY25 budget.

Bianca Shephard

Bianca Shephard is a member of the Wasatch Hollow Community Council. Ms. Shephard shared that for the last several years, Wasatch Hollow has had off-leash dog hours in the park. Since this inception, things have changed with COVID and pet ownership skyrocketing, and with this, dog park usage has increased, which has driven other park users out of the park. Ms. Shephard would like the Board to consider the grinding demand for off-leash dog parks and how they can allocate space for them in other spaces so the demand can be decreased in this park. Also, consider sending some funding to Wasatch Hollow Park due to the flooding. She shared in the Wasatch Hollow Community Council meeting; another person shared their concerns with off-leash dogs and people being chased by dogs.

Staff Response:

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