

TITLE 4

BOARDS AND COMMITTEES

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CHAPTER 1

HISTORICAL PRESERVATION COMMISSION

Section

4-1-1. Purpose.

4-1-2. Creation of historical preservation commission.

4-1-3. Duties of the Tooele County Historical Preservation Commission.

4-1-1. Purpose.

This chapter is for the purpose of establishing an Historical Preservation Commission pursuant to the provisions of the Historic District Act, Section 17A-3-1301 through 1306 of the Utah Code. The Tooele County Historical Preservation Commission is created to identify, preserve, protect and enhance historic and prehistoric areas and sites lying within Tooele County.

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

4-1-2. Creation of historical preservation commission.

There is hereby created a Tooele County Historical Preservation Commission of five (5) members who have demonstrated interest, compliance or knowledge in historical preservation. At least two (2) of these members shall have expertise in the disciplines of history and architecture or architectural history. The members shall be appointed by the Tooele County Commission. Said members shall be residents of Tooele County. The Clerk shall notify such appointees and request a written acceptance from them on their appointment. All such designated appointees shall within thirty (30) days file with the Clerk his or her acceptance of appointment. Should the same not be filed within the said period, the person shall be considered to have declined the appointment, and the Commission shall designate another person for such appointment. The designated appointees upon filing acceptance of appointment, shall automatically be members of the Tooele County Historical Preservation Commission. Members of the Historical Preservation Commission shall serve until replaced or removed by the Tooele County Commission. The Historical Preservation Commission shall meet at least twice each year and shall appoint a Chairperson from among its members. Business shall be conducted in open public meetings with written minutes of each Commission meeting, prepared and available for public inspection. All vacancies on the Commission occasioned by removal, resignation or otherwise shall be reported to the County Commission, who shall fill such vacancy pursuant to the manner of appointment provided herein.

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

4-1-3. Duties of the Tooele County Historical Preservation Commission.

It shall be the duty of the Commission to:

(1) Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of historic, architectural and archeological resources within Tooele County. The survey shall be compatible with the Utah inventory of historic and archeological sites. Survey and inventory documents shall be maintained and open to the public. The survey will be updated at least every 10 years.

(2) Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for the properties within the

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boundaries of Tooele County. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before rendering its decision.

(3) **Provide Advice and Information.**

(a) The Historic Preservation Commission shall act in an advisory role to other officials and departments of Tooele County regarding the identification and protection of local historic and archeological resources.

(b) The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and Tooele County's history.

(4) **Enforcement of State Historic Preservation Laws.** The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to the following Utah Code Sections: Utah Code Annotated §11-18-2, "The Historic District Act;"; Utah Code Annotated §63-18-25, 27 and 30 regarding the protection of Utah antiquities; and Utah Code Annotated §63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which would destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the State or national registers. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

COUNCIL ON AGING

Section

4-2-1. Purpose.

4-2-2. Creation of council on aging.

4-2-3. Appointment.

4-2-4. Terms.

4-2-5. Organization of council.

4-2-6. Center boards.

4-2-1. Purpose.

This chapter is for the purpose of establishing the Tooele County Council on Aging to comply with the provisions of the 1965 Older American's Act, as amended, and to ensure that Tooele County is eligible to receive state and federal funds for its senior citizens programs. This Chapter is also for improving, developing and strengthening programs for the elderly

and more fully utilizing the skills, wisdom and experience of senior citizens. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-2. Creation of council on aging.

(1) There is hereby created and established a Tooele County Council on Aging, which shall act as the County's area agency on aging and as an advisory committee.

(2) The Council on Aging shall carry out those advisory functions that further Tooele County and its Division of Aging and Adult Services' mission of developing and coordinating a community-based system to plan and provide services for all older persons. The Council shall:

(a) develop and administer an area plan for the elderly;

(b) conduct public hearings concerning aging issues;

(c) represent the interests of older persons; and

(d) review and comment on all community policies, programs and actions which affect older person's, with the intent of assuring maximum coordination and responsiveness to older persons needs. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-3. Appointment.

The Council on Aging shall consist of eleven voting members. They shall be appointed by the Board of County Commissioners. At least six of the members shall be older persons, including minority and low income individuals, who are participants or eligible to participate in programs authorized by the Older American's Act. The representatives of each Senior Citizen's Board in the County shall be included on the Council. The other members of the Council may be:

(1) representatives of older persons;

(2) representatives of health care provider organizations, including providers of veterans' health care, if available;

(3) representatives of supportive service provider organizations;

(4) persons with leadership experience in the private and voluntary sectors;

(5) local elected officials;

(6) the general public; or

(7) representatives of low income individuals.

(Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-4. Terms.

Council on Aging members shall be appointed to four-year terms. The terms shall commence January 1, 1995. Notwithstanding the foregoing, the initial terms

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shall be staggered with five members' terms expiring after two years. Any vacancy shall be filled for the unexpired term by appointment by the Board of County Commissioners. Members shall serve no more than two consecutive terms on the Council. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-5. Organization of council.

The Council on Aging shall select from its members a chairperson and vice-chairperson. The Council may appoint such other officers as the Council deems necessary and desirable. The Council may adopt such procedural rules as it deems necessary to conduct its business and shall have authority to adopt, amend or repeal by-laws for the operation of the affairs of the Council. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-6. Center boards.

Each Senior Citizen's Center located within Tooele County may create an Advisory Board. Each Advisory Board shall advise the Center's staff on programs and activities of the center and promote and develop activities of interest to seniors. Each Advisory Board shall nominate a representative for appointment to the Council on Aging. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

CHAPTER 3

TERM LIMITATIONS

Section

4-3-1. Purpose.

4-3-2. Term limitations.

4-3-1. Purpose.

This chapter is for the purpose of establishing regulations concerning the service of persons on the County's boards and committees. (Ord. 95-19, 9/12/95; Ord. 95-2, 2/16/95)

4-3-2. Term limitations.

Persons appointed to a given County board or committee shall serve no more than two consecutive terms on that board or committee. Nothing herein shall be construed to prohibit a person from serving on a different County board or committee following two consecutive terms on another. (Ord. 95-19, 9/12/95; Ord. 95-2, 2/16/95)

CHAPTER 4

MENTAL HEALTH SUBSTANCE ABUSE ADVISORY COUNCIL

Section

4-4-1. Purpose.

4-4-2. Establishment of Mental Health-Substance Abuse Advisory Council.

4-4-3. Appointment of council members - Terms.

4-4-4. Organization and procedures.

4-4-5. Powers and duties.

4-4-1. Purpose.

This chapter is for the purpose of establishing a local council to assist in the formulation of policy regarding mental health and substance abuse services within Tooele County, Utah. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-2. Establishment of Mental Health-Substance Abuse Advisory Council.

There is hereby established a Mental Health-Substance Abuse Advisory Council. Such council shall have advisory authority for providing Tooele County's mental health and substance abuse programs. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-3. Appointment of council members - Terms.

(1) The Mental Health-Substance Abuse Advisory Council shall consist of eleven members appointed by the Board of County Commissioners. The council shall have the following representation:

(a) one member representing the adult day treatment program for the chronically mentally ill;

(b) one member with a background and interests relating to adolescents;

(c) one member with a background and interests relating to substance abuse treatment;

(d) one member with a background and interests relating to prevention programs;

(e) one member with a background and interests relating to senior citizen issues;

(f) two members who are consumers or have family members who are involved with services offered;

(g) one member representing youth from a high school in the district;

(h) one member from Grantsville or another community other than Tooele City;

(i) one member representing minority issues; and

(j) one at-large member appointed by the Board of County Commissioners.

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(2) Members of the first council shall serve terms ending on December 31, 1995 and December 31, 1997. Initial terms shall be selected by lot and shall be apportioned so that five members will serve until December 31, 1995, and six members will serve until December 31, 1997. After the initial appointments, except for appointments made to fill unexpired terms, the term of each member shall be two years. No member shall serve more than two consecutive terms. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-4. Organization and procedures.

The Mental Health-Substance Abuse Advisory Council shall be presided over by a chairman, who shall be appointed annually by the council and who shall serve a one-year term, but in no event shall the term exceed or extend beyond the chairman's term as a council member. The council may appoint such other officers from its members as it deems necessary and may establish its own rules of procedure or bylaws in order to carry out its purposes and authority. The council's rules and bylaws shall be approved by the County Legislative Body before taking effect. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-5. Powers and duties.

(1) The Mental Health-Substance Abuse Advisory Council shall:

- (a) evaluate, advise and recommend programs and methods of operation in the best interest, welfare and general well-being of a total mental health-substance abuse service delivery system in Tooele County;
- (b) give direction to the director and staff;
- (c) assist in social needs assessment, problem identification and determining priorities as they relate to substance abuse and mental health programs;
- (d) advise and make recommendations as to how substance abuse prevention money should be allocated;
- (e) evaluate the effectiveness of programs in order to advise and recommend continued funding;
- (f) assist in the selection of community members to attend the annual summer school concerning alcohol and drugs at the University of Utah;
- (g) determine the most efficient and effective means to provide needed services;
- (h) provide community input and information to the County Commission, the director and staff;
- (i) advise local elected officials concerning the effectiveness of the services offered; and

(j) provide public relations information to the community at large.

(2) All decisions made by the council concerning planning, treatment, needs assessments allocation of funds, selection of service providers and programs shall be made as recommendations to the director and the County Commission. The County Commission shall have final approval over all recommendations. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

CHAPTER 5

PLANNING COMMISSION

Section

4-5-1. Planning commission established - Terms.

4-5-2. Vacancy - Removal.

4-5-3. Organization and procedures.

4-5-4. Use of state data.

4-5-5. Powers and duties.

4-5-6. Entrance upon land.

4-5-7. Compensation.

4-5-8. Ex parte contact.

4-5-9. Land use authority.

4-5-1. Planning commission established - Terms.

There is hereby established a Tooele County Planning Commission. The planning commission shall consist of seven members and two alternate members appointed by the Board of County Commissioners. Members and alternate members shall serve four-year terms and until their successors are appointed and qualified. Terms shall commence on January 1 of each year. In the event a term of a member or alternate member shall expire without the member or alternate member having been reappointed or a successor having been appointed, the member or alternate member shall continue to serve until a successor is appointed, and the term of the successor shall terminate on the same day as though the successor was appointed in a timely manner. Terms of at least two members, and not more than three, shall expire each year. The term of an alternate member shall not be considered a term for purposes of Tooele County Code, 4-3-2, Term Limitations. (Ord. 2015-04, 2/3/15; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-2. Vacancy - Removal.

(1) Any vacancy occurring on the planning commission by reason of death, resignation, removal or disqualification shall be filled by the Board of County Commissioners for the unexpired term of such member.

(2) The Board of County Commissioners may remove a member of the planning commission for cause after filing written charges against the member. The

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member shall be provided with a hearing on the charges if requested. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-3. Organization and procedures.

(1) The planning commission shall elect a chairperson from its members who shall serve a one-year term. The planning commission may create and fill any other necessary offices.

(2) (a) The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.

(b) The planning commission's policies and procedures shall be approved by the county commission before taking effect. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-4. Use of state data.

The planning commission may obtain access to and use any data and information held by the State or any of its agencies unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act. (Ref UCA §17-27a-402) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-5. Powers and duties.

The planning commission shall with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:

- (1) a general plan and amendments to the general plan;
- (2) land use ordinances, zoning maps, official maps, and amendments;
- (3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (5) application processes that:
 - (a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (b) shall protect the right of each:
 - (i) applicant and third party to require formal consideration of any application by a land use authority;
 - (ii) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and

(iii) participant to be heard in each public hearing on a contested application. (Ref UCA §17-27a-302) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-6. Entrance upon land.

The county planning commission, or its authorized agents, may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

- (1) preparation of its general plan; or
- (2) preparation or enforcement of its land use ordinances. (Ref UCA §17-27a-303) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-7. Compensation.

Members of the planning commission may receive per diem compensation based on necessary and reasonable expenses and on meetings actually attended. (Ref UCA §17-27a-301(4)) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-8. Ex parte contact.

(1) Ex parte contact between planning commission members and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Planning commission members shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.

(2) Planning commission members shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for a conditional use permit, planned unit development, a request for approval of a subdivision, or for an exception to the Tooele County Land Use Ordinance. This restriction on ex parte contact applies to all conditional use permit approval requests, planned unit development or subdivision requests, after an application for such is filed with the Tooele County Engineering Department, while the application is under review by the planning commission, after a decision or recommendation on the application has been made by the planning commission, while the application is under review by the Tooele County Commission, or while the

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application is under appeal, if an appeal is filed. Planning commissioners shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a conditional use permit, planned unit development or a subdivision approval, or an exception to the Tooele County Land Use Ordinance.

(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed at the next meeting of the planning commission and the planning commission member who had such contact shall neither participate in the discussion nor vote on the matter.

(4) Receipt of written information regarding an active request for a conditional use permit, planned unit development or a subdivision, or an exception to the Tooele County Land Use Ordinance shall be permitted, provided such written information is disclosed at the next meeting of the planning commission and submitted as a part of the record of that meeting. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-9. Land use authority.

The Tooele County Planning Commission is hereby designated as a land use authority for Tooele County, to act in its individual jurisdiction. (Reference UCA 17-27a-301) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

CHAPTER 6

AGRICULTURE PROTECTION AREA ADVISORY BOARD

Section

4-6-1. Agriculture Protection Area Advisory Board.

4-6-2. Appointment of board members.

4-6-3. Term in office - Removal of members.

4-6-4. Officers.

4-6-5. Quorum - Rules of operation.

4-6-6. Minimum size for agriculture protection areas.

4-6-7. Fees for accepting and processing agriculture protection area proposals.

4-6-8. Filing procedure.

4-6-1. Agriculture Protection Area Advisory Board.

An Agriculture Protection Area Advisory Board is hereby established for Tooele County pursuant to Utah Code Annotated Section 17-41-201 to perform the duties set out in Section 17-41-201 or any later amendment or enactment of that section. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-2. Appointment of board members.

The Board of County Commissioners of Tooele County, Utah shall appoint five members to the Agriculture Protection Area Advisory Board. The board members shall be appointed by resolution from among the members of the board of supervisors of the County's soil conservation districts. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-3. Term in office - Removal of members.

Each member appointed to the Agriculture Protection Area Advisory Board shall serve on the board until expiration of that member's respective term on the soil conservation district board of supervisors. The Board of County Commissioners of Tooele County may remove and replace any advisory board member for cause or for failure to perform the required duties. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-4. Officers.

The members of the Agriculture Protection Area Advisory Board shall select a chair, vice chair and secretary. The chair and vice chair shall be selected from among the members of the Agriculture Protection Area Advisory Board. The secretary may be either a member of the advisory board or a Tooele County employee. The selection of a Tooele County employee to serve as secretary must be approved by the Board of County Commissioners of Tooele County, Utah. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-5. Quorum - Rules of operation.

Any three members of the Agriculture Protection Area Advisory Board shall constitute a quorum of that board. All actions of the board, except to adjourn a meeting at which there is not a quorum is present, must be made in a meeting at which a quorum is present. Any actions of the Agriculture Protection Area Advisory Board must be approved by at least three members of that board. All meetings shall be conducted in accordance with the Utah Open and Public Meetings Act. The Agriculture Protection Area Advisory Board may adopt such additional rules of operation as it deems necessary to govern its affairs. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-6. Minimum size for agriculture protection areas.

To be included in an agriculture protection area established within Tooele County, land must be located in an Agricultural or Multiple-use zoning district and must consist of at least 100 contiguous acres. (Ord. 2003-17, 8/23/03; Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

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4-6-7. Fees for accepting and processing agriculture protection area proposals.

Any person or persons filing a proposal to create an agriculture protection area shall pay a nonrefundable fee at the time of filing. The amount of the fee shall be established by resolution of the Board of County Commissioners of Tooele County. In addition, any person or persons filing a proposal for creation of an agriculture protection area shall reimburse Tooele County for all publication costs incurred by Tooele County in publishing the notices required under Utah Code Annotated Title 17, Chapter 41 or any subsequent amendment or enactment of that statute. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-8. Filing procedure.

All proposals to create agriculture protection areas within Tooele County, Utah shall be filed with the Department of Engineering. All proposals must be accompanied by the filing fee. (Ord. 2003-17, 8/23/03; Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

source of income is derived from production agriculture. One member of the county commission shall act as coordinator between the county and the weed board. (Ord. 96-2, 2/14/96)

4-7-3. Term in office - Compensation - Removal.

Each member appointed to the county weed control board shall serve four year terms of office. They shall serve without compensation. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 96-2, 2/14/96)

4-7-4. Duties.

The county weed control board is responsible under the general direction of the county commission for the formulation and implementation of a county-wide coordinated noxious weed control program designed to prevent and control noxious weeds within Tooele County. The board shall cooperate with other county weed control boards to prevent and control the spread of noxious weeds. (Ord. 96-2, 2/14/96)

4-7-5. Notice of noxious weeds to be published annually - Notice to particular property owners to control noxious weeds - Methods of prevention or control specified - Failure to control noxious weeds considered public nuisance.

(1) The county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on at least three occasions in a newspaper or other publication of general circulation within the county.

(2) If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.

(3) An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance. (Ord. 96-2, 2/14/96)

4-7-6. Noxious weeds - Failure to control after notice a nuisance - Notice and hearing - Control at county expense - Owner liable for county costs - Charges lien against property.

(1) If the owner or person in possession of the property fails to take action to control or prevent the

CHAPTER 7

COUNTY WEED CONTROL BOARD

Section

4-7-1. Establishment of board.

4-7-2. Appointment.

4-7-3. Term in office - Compensation - Removal.

4-7-4. Duties.

4-7-5. Notice of noxious weeds to be published annually - Notice to particular property owners to control noxious weeds - Methods of prevention or control specified - Failure to control noxious weeds considered public nuisance.

4-7-6. Noxious weeds - Failure to control after notice a nuisance - Notice and hearing - Control at county expense - Owner liable for county costs - Charges lien against property.

4-7-7. Hearing before county weed control board - Appeal of decision to the county legislative body - Judicial review.

4-7-1. Establishment of board.

The Tooele County Weed Control Board is hereby established pursuant to Utah Code Annotated Section 4-17-4. (Ord. 96-2, 2/14/96)

4-7-2. Appointment.

The county weed control board shall be comprised of three to five appointed members. Two members of the board shall be farmers or ranchers whose primary

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spread of noxious weeds within five working days after the property is declared a public nuisance, the county may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds.

(2) Any expense incurred by the county in controlling the noxious weeds is paid by the property owner of record of the person in possession of the property, as the case may be, within 90 days after receipt of the charges incurred by the county. If not paid within 90 days after notice of the charges, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected. (Ord. 96-2, 2/14/96)

4-7-7. Hearing before county weed control board - Appeal of decision to the county legislative body - Judicial review.

(1) Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the weed board within ten days of receipt of such notice and may appeal the decision of the weed board to the county commission.

(2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the county commission may further appeal the decision of the county commission by filing written notice of appeal with a court of competent jurisdiction. (Ord. 96-2, 2/14/96)

CHAPTER 8

ADMINISTRATIVE HEARING OFFICER

Section

4-8-1. Administrative hearing officer.

4-8-2. Powers and duties.

4-8-3. Appeals.

4-8-4. Variances.

4-8-5. District court review of administrative hearing officer decision.

4-8-6. Ex parte contact.

4-8-1. Administrative hearing officer

(1) In order to provide for just and fair treatment in the administration of the Tooele County zoning ordinance, and to ensure that substantial justice is done, there is hereby appointed an administrative hearing officer to exercise the powers and duties provided in this chapter.

(2) The county commission may appoint as many administrative hearing officers as necessary.

(3) Administrative hearing officers are hereby designated as appeal authorities for Tooele County.

(Reference UCA 17-27a-701) (Ord. 2005-20, 7/5/05)

4-8-2. Powers and duties.

(1) The administrative hearing officer shall hear and decide:

(a) appeals from zoning decisions applying the zoning ordinance;

(b) special exceptions to the terms of the zoning ordinance; and

(c) variances from the terms of the zoning ordinance.

(2) The administrative hearing officer shall not make determinations regarding the existence, expansion, or modification of nonconforming uses.

(3) The administrative hearing officer may interpret the zoning maps and pass upon disputed questions of lot lines, district boundary lines, or similar questions as they arise in the administration of the zoning regulations.

(4) An administrative hearing officer:

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and

(b) may not entertain an appeal of a matter in which the administrative hearing officer, or any participating member, had first acted as the land use authority. (Ord. 2005-20, 7/5/05)

4-8-3. Appeals.

(1) (a) An applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.

(b) Appeals to the administrative hearing officer shall be made in writing and shall be filed with the county department of engineering within 30 days of the decision administering or interpreting a zoning ordinance.

(2) The person or entity making the appeal has the burden of proving that an error has been made.

(3) Only decisions applying the zoning ordinance may be appealed to the administrative hearing officer. A person may not appeal, and the administrative

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hearing officer may not consider, any zoning ordinance amendments.

(4) Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

(Ord. 2005-20, 7/5/05)

4-8-4. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the administrative hearing officer for a variance from the terms of the zoning ordinance.

- (2) (a) The administrative hearing officer may grant a variance only if:
- (i) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (v) the spirit of the zoning ordinance is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the administrative hearing officer may not find an unreasonable hardship unless the alleged hardship:

- 1) is located on or associated with the property for which the variance is sought; and
- 2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (2)(a), the administrative hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property

under Subsection (2)(a), the administrative hearing officer may find that special circumstances exist only if the special circumstances:

- (i) relate to the hardship complained of; and
- (ii) deprive the property of privileges granted to other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The administrative hearing officer may not grant use variances.

(6) In granting a variance, the administrative hearing officer may impose additional requirements on the applicant that will:

- (a) mitigate any harmful effects of the variance; or
- (b) serve the purpose of the standard or requirement that is waived or modified. (Ord. 2005-20, 7/5/05)

4-8-5. District court review of administrative hearing officer decision.

(1) Any person adversely affected by any decision of an administrative hearing officer may petition the district court for a review of the decision.

(2) In the petition, the plaintiff may only allege that the administrative hearing officer's decision was arbitrary, capricious, or illegal.

(3) The petition is barred unless it is filed within 30 days after the administrative hearing officer's decision is final. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with this title.

(4) The administrative hearing officer shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

(5) If there is a record, the district court's review is limited to the record provided by the administrative hearing officer. The court may not accept or consider any evidence outside the administrative hearing officer's record unless that evidence was offered to the administrative hearing officer and the court determines that it was improperly excluded by the administrative hearing officer.

(6) If there is no record, the court may call witnesses and take evidence.

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(7) The court shall affirm the decision of the administrative hearing officer if the decision is supported by substantial evidence in the record.

(8) The filing of a petition does not stay the decision of the administrative hearing officer. Before filing the petition, the aggrieved party may petition the administrative hearing officer to stay its decision. Upon receipt of a petition to stay, the administrative hearing officer may order its decision stayed pending district court review if the administrative hearing officer finds it to be in the best interest of the county. After the petition is filed, the petitioner may seek an injunction staying the administrative hearing officer's decision. (Ord. 2005-20, 7/5/05)

4-8-6. Ex parte contact.

(1) Ex parte contact between an administrative hearing officer and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Appeal authorities shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include contact with plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.

(2) Appeal authorities shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for hearings, variances, appeals of administrative decisions, or special exceptions. This restriction on ex parte contact applies to all variances, appeals of administrative decisions, or special exceptions after an application for such is filed with the Tooele County Engineering Department, while the application is under review by the administrative hearing officer or while the application is under appeal, if an appeal is filed. Appeal authorities shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a hearing, variance, appeal of administrative decision, or special exception.

(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed by the administrative hearing officer who had such contact and

who shall then neither participate in the discussion nor render a decision on the matter.

(4) Receipt of written information regarding an active request for a hearing, variance, appeal of administrative decision, or special exception shall be permitted, provided such written information is disclosed by the administrative hearing officer and submitted as a part of the record. (Ord. 2005-20, 7/5/05)

CHAPTER 9

CHILDREN'S JUSTICE CENTER ADVISORY BOARD

Section

4-9-1. Establishment of board.

4-9-2. Membership.

4-9-3. Duties.

4-9-1. Establishment of board.

There is hereby created a Tooele County Children's Justice Center Advisory Board. (Ord. 96-16, 7/9/96)

4-9-2. Membership.

(1) The Tooele County Children's Justice Center Advisory Board shall be composed of:

- (a) the Tooele County Children's Justice Center director or the director's designee;
- (b) the county attorney or county attorneys having criminal jurisdiction or any designee;
- (c) an assistant attorney general as designated by the attorney general;
- (d) a county sheriff or a chief of police or any designee;
- (e) the county executive or any designee;
- (f) a physician licensed to practice medicine and surgery under Sections 58-12-26 through 58-12-43, Utah Medical Practice Act;
- (g) a licensed mental health professional;
- (h) a criminal defense attorney; and
- (i) at least four members of the community at large.

(2) The members of the advisory board who serve due to public office as provided in Subsection (1)(b) through (e) shall select the remaining members. The members shall select the board's chair. (Ord. 96-16, 7/9/96)

4-9-3. Duties.

(1) The advisory board shall not supersede the authority of the contracting public agencies as designated in Section 67-5b-104 of the Utah Code.

(2) The advisory board shall establish bylaws and advise and assist the Tooele County Children's Justice

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Center in the implementation of a comprehensive, multi-disciplinary, nonprofit, intergovernmental response to sexual abuse of children and serious physical abuse of children.

(3) Appointees and designees shall serve at the request and upon written agreement of the creating public agencies and persons. (Ord. 96-16, 7/9/96)

CHAPTER 10

TOWNSHIP PLANNING DISTRICTS

Section

4-10-1. Powers and duties.

4-10-2. Repealed.

4-10-3. Repealed.

4-10-4. Repealed.

4-10-5. Repealed.

4-10-6. Repealed.

4-10-7. Repealed.

4-10-8. Repealed.

4-10-9. Repealed.

4-10-1. Powers and duties.

All planning duties under the County Land Use, Development and Management Act (UCA 17-27a-101, et seq.) are assigned to the Tooele County Planning Commission. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 99-1, 1/5/99)

4-10-2. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 2005-16, 6/7/05)

4-10-3. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-4. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-5. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05)

4-10-6. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-7. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 99-1, 1/5/99)

4-10-8. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-10-9. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

CHAPTER 11

CAREER SERVICE COUNCIL

Section

4-11-1. Establishment of council.

4-11-2. Citizenship and residency.

4-11-3. Term.

4-11-4. Removal from office.

4-11-5. Chair and quorum.

4-11-6. Duties.

4-11-7. Subpoena powers.

4-11-8. Compensation.

4-11-1. Establishment of council.

There is hereby created a career service council to serve the Tooele County merit system. The council shall be composed of three bipartisan members appointed by the Tooele County Commission. Members of the council shall be persons in sympathy with the application of merit principles to public employment. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-2. Citizenship and residency.

(1) Members of the career service council shall be United States citizens and shall be actual and bona fide residents of the state of Utah and Tooele County for a period of not less than one year preceding the date of appointment.

(2) A member of the council may not hold another government office or be employed by the county. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-3. Term.

Each career service council member shall serve a term of three years to expire on June 30, three years after the date of his or her appointment, except that original appointees shall have staggered terms of one, two and three years. Successors of original council members shall be chosen for three year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor. Each member of the board shall hold office until his successor is appointed and confirmed. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-4. Removal from office.

A member of the career service council may be removed by the county commission for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the county commission. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

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4-11-5. Chair and quorum.

The career service council shall elect one of its members as chairperson. Two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97; Ord. 97-5, 4/3/97)

4-11-6. Duties.

The career service council shall:

(1) hear appeals not resolved at lower levels in the cases of employees suspended, transferred, demoted or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or departmental level;

(2) review written appeals in cases of applicants rejected for examination;

(3) report final binding appeals decisions in writing to the Tooele County Commission, however, a right of appeal to the district court under the provisions of the Utah Rules of Civil Procedure shall not be abridged; and

(4) advertise and recruit for the director of the office of personnel management in the same manner as for merit positions and:

(a) select three names from a register; and

(b) submit those names as recommendations to the county commission. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-7. Subpoena powers.

The career service council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice court. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-8. Compensation.

Career service council members shall receive compensation at the rate of \$100 per diem for each day or part thereof they are in session. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

CHAPTER 12

TOOELE COUNTY AIRPORT BOARD

Section

4-12-1. Establishment board.

4-12-2. Membership.

4-12-3. Duties.

4-12-1. Establishment board.

There is hereby created a Tooele County Airport Board for the purpose of developing policies and providing management oversight for the Tooele County Airport in Wendover, Utah. The principal goals of the board are to ensure the safe and efficient operation of the airport, to meet the air transportation needs of the region and to expand economic development opportunity in western Tooele County and, in particular, the City of Wendover, Utah. (Ord. 98-14, 6/11/98)

4-12-2. Membership.

(1) The airport board shall consist of five voting and six ex-officio members. The five voting members shall be the three Tooele County Commissioners, the Mayor of Wendover, Utah and the Airport Director. The Tooele County Attorney, the Tooele County Auditor, the Wendover Airport Manager, a representative from West Wendover City, a representative from the Wendover City Council, and a representative from the Peppermill Casino Group shall serve as ex-officio members to provide expert advice to the board.

(2) Service on the board shall be concurrent with the term of office or position designated in Subsection 1, except that the Wendover City representative shall be appointed annually. (Ord. 2012-22, 12/4/12; Ord. 98-14, 6/11/98)

4-12-3. Duties.

The airport board shall serve in an advisory capacity for overseeing and managing business affairs, property and staff of the airport. Board members shall have all powers necessary, whether specified or unspecified in its bylaws, to carry out the duties and responsibilities of their office. The board shall not supercede the authority of Tooele County as the contracting agent for the airport or as the employer of the employees at the airport. (Ord. 98-14, 6/11/98)

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CHAPTER 13

TOURISM TAX ADVISORY BOARD

Section

- 4-13-1. Establishment of the board.**
- 4-13-2. Membership.**
- 4-13-3. Term in office - Compensation - Removal.**
- 4-13-4. Duties.**

4-13-1. Establishment of the board.

There is hereby created the Tooele County Tourism Tax Advisory Board. (Ord. 2001-20, 4/24/01)

4-13-2. Membership.

(1) The tourism tax advisory board shall be composed of any of the following members that are residents of the county and who represent the local:

- (a) hotel and lodging industry;
- (b) restaurant industry;
- (c) recreational facilities;
- (d) convention facilities;
- (e) museums;
- (f) cultural attractions; or
- (g) other tourism-related industries.

(2) The tourism tax advisory board shall consist of at least five members. (Ord. 2001-20, 4/24/01)

4-13-3. Term in office - Compensation - Removal.

Each member appointed to the tourism tax advisory board shall serve a four-year term of office. Three members shall be appointed to an initial term of two years. They shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of the member's official duties. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2001-20, 4/24/01)

4-13-4. Duties.

The tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from:

- (a) the transient room tax allowed under Utah Code Annotated Section 59-12-301; and
- (b) the tourism, recreation, cultural, and convention facilities tax allowed under Section 59-12-603, Utah Code Annotated. (Ord. 2001-20, 4/24/01)

CHAPTER 14

LIBRARY BOARD

Section

- 4-14-1. Library board of directors.**
- 4-14-2. Board terms - Removal - Vacancies.**
- 4-14-3. Treasurer.**
- 4-14-4. Chairs' duties.**
- 4-14-5. Meetings.**
- 4-14-6. Committees.**
- 4-14-7. Delegated power and duties.**
- 4-14-8. Rules - Use of bookmobile.**
- 4-14-9. Librarian.**
- 4-14-10. Donations of money or property.**
- 4-14-11. Cooperation for providing bookmobile services.**

4-14-1. Library board of directors.

(1) There is hereby created a county library board whose directors shall be appointed by the county commission.

(2) The board shall consist of not less than five and not more than nine directors chosen from the citizens of the county and based upon their fitness for office.

(3) The terms of library board members shall be staggered so that approximately 1/4 of the board is selected each year.

(4) Only one member of the county commission may be, at any one time, a member of the board.

(5) Each director shall serve without compensation, but the actual and necessary expenses incurred in the performance of the director's official duties may be paid from library funds. (Ord. 2003-33, 12/23/03)

4-14-2. Board terms - Removal - Vacancies.

(1) Each library board director shall be appointed for a four-year term, or until the director's successor is appointed. Initially, appointments shall be made for one-, two-, three-, and four-year terms, and one member of the county commission for the term of that commissioner's elected office. Annually thereafter, the county commission will appoint for a four-year term, one director to take the place of the retiring director.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chair and other officers.

(4) The county commission may remove any director for misconduct or neglect of duty.

(5) Vacancies in the board of directors shall be filled for the unexpired terms in the same manner as original appointments.

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(6) A position on the board becomes vacant when that director ceases to be a resident of the county. The position of a director is forfeited and becomes vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the board. (Ord. 2003-33, 12/23/03)

4-14-3. Treasurer.

The county treasurer shall have legal custody of all bookmobile funds and shall act as the treasurer of such funds. (Ord. 2003-33, 12/23/03)

4-14-4. Chairs' duties.

(1) The chair of the board shall preside at all board meetings, authorize calls for any special meetings and generally perform the duties of a presiding officer.

(2) The chair of the board shall sign or countersign all official board documents and where appropriate recommend approval by the county commission. The chair shall arrange staff to act as clerk of the board for the purpose of actual minute taking and maintaining official records of board actions. (Ord. 2003-33, 12/23/03)

4-14-5. Meetings.

(1) The board shall meet regularly with a quorum present, whether corporal or by means of electronic equipment, for the purpose of discussing or acting upon a matter or matters. For this purpose a quorum consists of that number of board directors that represents 51% or more of the total number of board directors appointed at the time.

(2) The board shall have at least one annual meeting held in the last quarter of each year.

(3) Special meetings may be called at any time by the chair, providing notice thereof is given to the public and all directors at least 24 hours in advance.

(4) If the board director who is a member of the county commission is unable to attend any board meeting, then that director may designate an alternate to act in that director's place.

(5) If the member of the county commission who is a director of the board has designated an alternate to act in that director's stead, at any or all board meetings, then that alternate's presence shall count as a board director for purposes of meeting a quorum or voting.

(6) Meetings shall comply with all requirements of State law including the Utah Open and Public Meetings Act.

(7) Records of all board meetings shall be kept, managed, classified, and disclosed as required by county ordinance and State law, including the Government Records Access and Management Act. (Ord. 2003-33, 12/23/03)

4-14-6. Committees.

Ad hoc committees for the study and/or investigation of issues or other library matters may be appointed by the chair to serve until the completion of the work for which they were established. (Ord. 2003-33, 12/23/03)

4-14-7. Delegated power and duties.

Subject to compliance with federal laws, state laws, and county ordinances and policies:

(1) The board is hereby granted responsibility to:

(a) cooperate with the Utah State Library Division pursuant to the provisions of Title 9, Chapter 7, Section 509 of the Utah Code Annotated, as amended, in providing bookmobile services;

(b) establish policies for the operation, maintenance, and care of the bookmobile;

(c) purchase, lease, exchange, or sell personal property for the benefit of the bookmobile;

(d) establish policies for collections and information resources; and

(e) establish rules to exclude from the use of the bookmobile any person who willfully violates bookmobile rules, state laws or county ordinances.

(2) The board shall:

(a) recommend to the county commission and the director of the Utah State Library Division a competent person to act as librarian;

(b) establish and revise bookmobile policies in cooperation with the library director, subject to consistency with state and federal law and county ordinance and policies, and review by the county attorney's office;

(c) work cooperatively with the county commission, library director, bookmobile staff, other county staff, and others in the community to provide excellent bookmobile services;

(d) encourage citizen involvement in the development of long-range plans for the improvement of library services and facilities;

(e) hear and resolve relevant library issues brought to the board;

(f) make an annual report to the county commission on the condition and operation of the bookmobile, including a financial statement;

(g) submit an annual report to the State Library Board;

(h) recommend to the county commission the removal of any director of the board for misconduct or neglect of duty; and

(i) furnish to the county commission, in writing, and prior to the time required by law to levy county taxes, an estimate of the amount of moneys necessary to establish, equip, and maintain the

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bookmobile and to provide services during the next ensuing fiscal year. (Ord. 2003-33, 12/23/03)

4-14-8. Rules - Use of bookmobile.

(1) The board shall make rules in a manner consistent with county ordinances, policies and procedures for the governing of the bookmobile.

(2) The bookmobile shall be free to the use of the inhabitants of Tooele County, subject to the rules made as prescribed by this section. (Ord. 2003-33, 12/23/03)

4-14-9. Librarian.

The librarian shall:

(1) serve as executive officer for the library board;

(2) be responsible for the administration of the bookmobile under the policies adopted by the board and the county;

(3) recommend such policies and procedures to the board that will promote the efficiency of the bookmobile and improve services to its patrons;

(4) be accountable to the county commission in complying with bookmobile policy, county-wide policy, county ordinances, and state and federal laws;

(5) be responsible for the maintenance and operation of properties belonging to the county for its bookmobile;

(6) submit regularly and timely reports to the board on the progress, activities and finances of the bookmobile;

(7) ensure the appropriate receipt of non-tax income collection and expenditure of all county bookmobile funds; and

(8) perform other duties as established in the director's official job description. (Ord. 2003-33, 12/23/03)

4-14-10. Donations of money or property.

(1) A person desiring to make a donation of money, personal property, or real estate for the benefit of the bookmobile has the right to vest the title to the money, personal property, or real estate in the county, designated for the benefit and purposes of the bookmobile.

(2) The county shall hold donated personal property and control of the donation according to the terms of the deed, gift, devise, or bequest of the property, and shall be the trustee of the property. (Ord. 2003-33, 12/23/03)

4-14-11. Cooperation for providing bookmobile services.

The library board of directors may cooperate in providing bookmobile services under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with the boards of directors of city libraries, boards of

education, governing boards of other educational institutions, library agencies, and local political subdivisions. (Ord. 2003-33, 12/23/03)

CHAPTER 15

WORKERS' COMPENSATION ACCIDENT BOARD

Section

4-15-1. Board established.

4-15-2. Membership and terms.

4-15-3. Duties.

4-15-1. Board established.

There is hereby created the Tooele County Workers' Compensation Accident Board. (Ord. 2005-17, 6/14/05)

4-15-2. Membership and terms.

Workers' Compensation Accident Board members shall be appointed by the Tooele County Commission. Their terms will run indefinitely. (Ord. 2005-17, 6/14/05)

4-15-3. Duties.

The Workers' Compensation Accident Board shall meet on a regular basis, but not less than quarterly, unless there are no accidents to review; keep written minutes of each meeting and forward a copy of the minutes to the Workers' Compensation Loss Control Manager; review all accidents that involve personal injury to county employees or volunteers, or that involve claims that have been reported to the county's Workers' Compensation loss carrier; and send copies of the accident reviews or reports to such carrier. (Ord. 2005-17, 6/14/05)

CHAPTER 16

BOARD OF APPEALS

Section

4-16-1. Appeals board established.

4-16-2. Membership.

4-16-3. Term in office - Compensation - Removal.

4-16-4. Duties.

4-16-1. Appeals board established.

There is hereby created the Board of Appeals pursuant to Section 112 of the International Building Code. (Ord. 2006-02, 1/3/06)

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4-16-2. Membership.

The Board of Appeals shall be appointed by the Tooele County Commission. (Ord. 2006-02, 1/3/06)

4-16-3. Term in office - Compensation - Removal.

Each member appointed to the Board of Appeals shall serve a four-year term of office. They shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed by the county commission for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-02, 1/3/06)

4-16-4. Duties.

The Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the International Building Code. The board shall have no authority to waive requirements of the International Building Code. (Ord. 2006-02, 1/3/06)

CHAPTER 17

EMERGENCY RELIEF SERVICES COORDINATION BOARD

Section

4-17-1. Establishment of relief board.

4-17-2. Members - Term in office - Compensation - Removal.

4-17-3. Duties.

4-17-1. Establishment of relief board.

There is hereby created the Emergency Relief Services Coordination Board for Tooele County. (Ord. 2006-04, 1/17/06)

4-17-2. Members - Term in office - Compensation - Removal.

The Emergency Relief Services Coordination Board shall consist of at least five members, but not more than seven. Each member appointed to the board shall serve a four-year term of office. Three members shall be appointed to an initial term of two years. Board members shall be representative of law enforcement, religious entities, social services agencies, business, county citizens, and the county. All members shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed for cause. Any vacancy which occurs on the

board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-04, 1/17/06)

4-17-3. Duties.

The Emergency Relief Services Coordination Board shall:

(1) develop and implement a strategic plan for emergency relief services coordination in Tooele County for those in need of immediate emotional, physical, and employment assistance;

(2) develop and adopt administrative policies and procedures and provide oversight and administrative direction over all emergency relief services coordination activities;

(3) become experts in the different welfare and social programs the State, County, and Federal governments and religious groups offer to assist those with immediate needs;

(4) review and approve an annual budget for each calendar year with the concurrence of the participating public entities, provide ongoing financial oversight of project operations, and submit monthly financial reports to the participating entities;

(5) direct the work of the qualified professional Emergency Relief Services Coordinator and volunteers to implement emergency relief services coordination plans, goals, and objectives, and assure no duplication of services and avoid abuse of services;

(6) appoint and direct the work of special advisory committees as needed to perform special assignments or assist with special projects;

(7) approve all program expenditures over \$500.00, and assure that all expenditures are authorized by the adopted budget;

(8) request independent financial audits as deemed necessary, but ensure that at least one audit per year is performed, which may be combined as part of a single audit performed for any of the participating public entities; and

(9) issue annual reports of each preceding year's activities to Tooele County and other participating municipalities and charitable organizations. (Ord. 2006-04, 1/17/06)

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CHAPTER 18

TRAILS COMMITTEE

Section

- 4-18-1. Establishment of committee.**
- 4-18-2. Members - Term in office - Compensation - Removal.**
- 4-18-3. Duties.**

4-18-1. Establishment of committee.

There is hereby created the Trails Committee for Tooele County. (Ord. 2006-10, 3/21/06)

4-18-2. Members - Term in office - Compensation - Removal.

The Trails Committee shall consist of at least five members. Each member appointed to the board shall serve a four-year term of office. At least three members shall be appointed to an initial term of two years. Board members shall be representative of the community at large. All members shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-10, 3/21/06)

4-18-3. Duties.

The Trails Committee shall:

- (1) develop environmentally, ecologically, and biologically sensitive plans for the trail system based on the General Plan, stakeholder/landowner plans/vision, user needs, standards, and public input;
- (2) establish recommended plans and goals;
- (3) make policy recommendations to government agencies;
- (4) educate the public and promote implementation of trail plans;
- (5) acquire property and easements for trail systems;
- (6) design and develop trails; and
- (7) promote economic development and tourism in the county. (Ord. 2006-10, 3/21/06)

CHAPTER 19

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Section

- 4-19-1. Economic development advisory committee created.**
- 4-19-2. Appointment - Term - Vacancy.**
- 4-19-3. Officers - Meetings.**
- 4-19-4. Role of the advisory committee.**
- 4-19-5. Compensation.**
- 4-19-6. Economic Development Advisory Committee serves as the Industrial Protection Area Advisory Board.**

4-19-1. Economic development advisory committee created.

There is hereby created the Economic Development Advisory Committee of Tooele County. (Ord. 2006-11, 3/21/06)

4-19-2. Appointment - Term - Vacancy.

(1) The advisory committee shall be comprised of five to seven appointed members. One member of the economic development advisory board shall be appointed from the Tooele County School District. The remaining members of the committee shall be appointed from members of the public to include, to the extent reasonably possible, the broadest representation from people involved with or interested in the various and diverse aspects of economic development activities and having backgrounds, experience, talents, and expertise in areas of economic development that would be beneficial to the county and the community.

(2) Economic Development Advisory Committee members shall be appointed to four-year terms. Members shall serve four-year terms and until their successors are appointed and qualified. Terms shall commence on January 1 of each year. In the event a term of a member expires without the member having been reappointed or a successor having been appointed, the member shall continue to serve until a successor is appointed, and the term of the successor shall terminate on the same day as though the successor was appointed in a timely manner. Terms of at least two members, and not more than three, shall expire each year. (Ord. 2006-11, 3/21/06)

4-19-3. Officers - Meetings.

(1) At its first meeting of each year, the advisory committee members shall elect a chair and vice chairperson from among its members. The committee shall determine its own schedule for meetings, keeping of minutes, and other details of the committee's functions.

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(2) It shall be the duty of the chairperson to preside over all meetings of the advisory committee. The vice chairperson shall preside at all meetings where the chairperson is absent. A majority of the members of the board shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any recommended action.

(3) The committee shall not have any authority over employees of the county, the county budget, or property of the county, but shall act solely as an advisory committee. The publication and advertisement of the time and place of meetings of the committee will not be necessary, but shall be done at the committee's discretion. The planning and economic development advisor and their staff will provide the necessary staff support for the work of the committee and shall act as the liaison to the county commission on behalf of the committee. (Ord. 2006-11, 3/21/06)

4-19-4. Role of the advisory committee.

The Economic Development Advisory Committee is created to assist and advise the county commission in connection with issues and programs involving economic development which may include:

(1) facilitating cooperation and coordination with various community groups and neighborhoods on economic development issues;

(2) making recommendations to the planning commissions, county commission, and to planning and economic development division staff for programs in which the county could or should participate to enhance economic development opportunities, which may be in cooperation with any appropriate private, public, civic or community agency, group, or association, or any of the cities, county, state or federal government;

(3) making recommendations to the county commission regarding requests for financial incentives from prospective businesses;

(4) recommending ways and means of obtaining private, local, county, state, or federal funds and other participation for the promotion of economic development projects within the county; and

(5) working with county planning and economic development staff, committees, and other community based groups, as directed by the county commission, on economic issues and projects. (Ord. 2006-11, 3/21/06)

4-19-5. Compensation.

The members of the Economic Development Advisory Committee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. (Ord. 2006-11, 3/21/06)

4-19-6. Economic Development Advisory Committee serves as the Industrial Protection Area Advisory Board.

The Economic Development Advisory Committee shall serve as the Industrial Protection Area Advisory Board established for Tooele County pursuant to Utah Code Annotated Section 17-41-201 to perform the duties set forth therein. (Ord. 2006-11, 3/21/06)

CHAPTER 20

ACCIDENT REVIEW BOARD

Section

4-20-1. Board established.

4-20-2. Membership and terms.

4-20-3. Duties.

4-20-1. Board established.

There is hereby created the Tooele County Accident Review Board. (Ord. 2004-23, 9/7/04)

4-20-2. Membership and terms.

Accident Review Board members shall be appointed by the Tooele County Commission. Their terms will run indefinitely. (Ord. 2004-23, 9/7/04)

4-20-3. Duties.

The Accident Review Board shall review and monitor all accidents, damage, loss, and claims regarding Tooele County property and also those accidents caused by or involving on-duty county employees. The board shall make recommendations to the county commission for safety initiatives for the protection of county employees and equipment and for the protection of the general public. (Ord. 2004-23, 9/7/04)

CHAPTER 21

AUDIT COMMITTEE

Section

4-21-1. Establishment of committee.

4-21-2. Appointment – Term – Compensation.

4-21-3. Chairman – Meetings.

4-21-4. Duties.

4-21-5. Reporting – Dismissal.

4-21-6. Role of the Audit Committee.

4-21-1. Establishment of committee.

There is hereby created the Audit Committee for Tooele County. (Ord. 2013-15, 10/1/13)

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4-21-2. Appointment – Term – Compensation.

(1) The Audit Committee shall be comprised of three to five members appointed by the Tooele County Commission. The committee members must have a basic understanding of financial reports and independent auditing standards with one member who is designated as the financial expert.

(2) Each committee member shall be free of any relationship that, in the opinion of the Commission, would interfere with his or her individual exercise of independent judgment. County elected officials, employees, and their immediate family members may not serve on the committee.

(3) Committee members may serve up to two four-year terms.

(4) Each member shall be paid a \$1,000 annual stipend, half of which will be paid by check at the two required meetings. (Ord. 2013-15, 10/1/13)

4-21-3. Chairman – Meetings.

(1) The committee members shall elect a chairman at the end of each audit cycle to serve as chairman for the following cycle.

(2) The Audit Committee shall meet as needed to fulfill its responsibilities, but will meet at least twice annually; once to review the audit plan and once to review the audited financial statements. The committee may also meet to discuss the approval of the audit engagement, special investigations related to fraud, financial irregularities, and internal control failures. (Ord. 2013-15, 10/1/13)

4-21-4. Duties.

The Audit Committee shall:

(1) develop and annually review audit-related policies and have a regular process of determining whether the County is receiving quality audit services for a fair price based on established policies and regulations;

(2) meet with the audit firm to review the audited financial statements;

(3) address any issues identified in the required communications and management letter;

(4) solicit from the audit firm observations on staff skills, qualifications, and performance related to those audited functions;

(5) review the performance of the auditors, ensuring continued independence;

(6) review the audit plans for the coming year and discuss with the external audit firm and internal auditor(s);

(7) review with management and the external auditor, the internal control process, financial risk management, and mitigation process;

(8) report and recommend the results of audit findings to the Commission for approval;

(9) act as external point of contact for any whistle-blowing issues on financial matters, and, if necessary, initiate special investigations of policies, procedures, and practices;

(10) review the presentation of the financial information in the annual report before printed;

(11) conduct private executive sessions at least annually with the external auditors and management;

(12) assure that management understands the audit report and makes recommendations for changes in policy or practice as supported by the audit report; and

(13) conduct an annual review of the Audit Committee Charter and recommend appropriate changes to the Commission. (Ord. 2013-15, 10/1/13)

4-21-5. Reporting – Dismissal.

(1) The Audit Committee shall report directly to the County Commission.

(2) Committee members may be dismissed from the committee should any objectionable acts be committed or independence be compromised. Dismissal requires a unanimous vote by the Commissioners. (Ord. 2013-15, 10/1/13)

4-21-6. Role of the Audit Committee.

(1) The Audit Committee is created to oversee proper external review of the audited financial statements, as well as the County's financial risk management, to include monitoring the internal control environment. The committee also helps the County Commissioners understand and interpret the financial statements and audit reports.

(2) The Audit Committee assists the Commission with oversight of the following:

(a) integrity of the County's financial statements;

(b) internal control over the financial reporting process;

(c) external auditor's qualifications, independence, and performance;

(d) performance of the internal audit function; and

(e) compliance with legal and regulatory requirements. (Ord. 2013-15, 10/1/13)