



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
November 22, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold a special meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Tuesday, November 22, 2016.

SPECIAL MEETING

2:00 p.m.

I. ROLL CALL

II. PUBLIC INPUT (*ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA*)

III. CANVASS OF ELECTION RESULTS

- Canvass the Results of the Special Bond Election Held in the City on Tuesday, November 8, 2016, at the Same Time as the General Election, on the Question of the Issuance of \$25,000,000 General Obligation Bonds of the City

IV. ADJOURNMENT



DATE: November 22, 2016

TO HONORABLE MAYOR AND COUNCIL

Results from the 2016 Election include Election Day and Early Voting ballots counted on election night, absentee ballots, and provisional ballots verified as acceptable for counting by the Summit County Clerk's Office, as of November 10, 2016.

Park City Open Space Bond Ballot Initiative	TOTAL	PERCENTAGE
Votes cast	3835	84.50% of active registered voters
Affirmative votes	2706	70.56%
Negative votes	1129	29.44%

These numbers will be updated after the Summit County Canvass, which will be held Monday, November 21, 2016.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report



Subject: Canvassing of the November 8, 2016, Park City Open Space Bond Ballot Initiative Election

Author: Thomas A. Daley, Sr.

Department: City Attorney's Office

Date: November 22, 2016

Summary Recommendations:

A quorum of the City Council should meet at 2:00 p.m. on November 22, 2016, to canvass the votes cast on the Bonanza Flats open space bond ballot initiative in accordance with Utah law.

Topic/Description:

Special Election Canvassing

Background:

In a resolution duly adopted on August 11, 2016, a special bond election was called by the City Council (the "City Council") of Park City, Utah (the "City"), to be held on November 8, 2016, (the "Special Bond Election"), at the same time as the general election, for the purpose of submitting to the qualified, registered electors of the City the bond proposition:

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed \$25,000,000 and to mature in no more than 16 years from the date or dates of such bonds to acquire, improve and forever preserve open space, park and recreational land located in Bonanza Flats, if such land is available for purchase by the City, in order to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

Analysis and Council Action:

The post-election procedures for bond propositions are set forth in Title 11, Chapter 14 and Title 20A, Chapter 4 of the Utah Code. One requirement is the canvassing of election results. "Canvassing" is defined as "the review of election returns and the official declaration of election results by the board of canvassers." See Utah Code § 20A-1-102(13). The relevant State law provisions that relate to canvassing special bond elections are:

Utah Code Section 11-14-207(1)(c):

The canvass of the election results shall be made in public no sooner than seven days after the election and no later than 14 days after the election.

Utah Code Section 20A-4-301(3):

- (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.*
- (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.*
- (c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.*

Utah Code Section 11-14-207(2):

- (a) After the canvass of election returns, the governing body shall record in its minutes:*
 - (i) an official finding as to the total number of votes cast, the number of affirmative votes, the number of negative votes, the number of challenged voters, the number of challenged voters that were issued a provisional ballot, and the number of provisional ballots that were counted; and*
 - (ii) an official finding that the bond proposition was approved or rejected.*

Based on the statutory provisions cited above, at least 3 members of the governing body (simple majority is quorum) are required to convene in public to canvass the results of the "Park City Open Space Bond Ballot Initiative" between November 15 and November 22. The meeting must be held after 12:00 p.m., as noon on the date of the official canvass is the cutoff for absentee ballots. See Utah Code §§ 20A-3-306(2)(b)(ii) and 20A-3-309(1). The meeting must be properly noticed in accordance with Section 52-4-202.

The election results will be provided by the County Clerks of Wasatch County and Summit County. As the Board of Canvassers, the legislative body must make an official declaration of the election results (approved or rejected) and provide the public with official findings as to (1) the total number of votes cast; (2) the number of affirmative votes; (3) the number of negative votes; (4) the number of challenged voters; (5) the number of challenged voters that were issued a provisional ballot; and (6) the number of provisional ballots that were counted.

The necessary documents and procedures to fulfill the above-mentioned statutory requirements have been prepared for the Board of Canvassers.

The official canvass proceedings are attached hereto as Exhibit "A" and incorporated herein.

Park City, Utah

November 22, 2016

The City Council (the “*City Council*”) of Park City, Utah (the “*City*”), met in public session on November 22, 2016, at its regular place of meeting in the City Council Chambers, located in the Marsac Municipal Building, at 445 Marsac Avenue in Park City, Utah, at 2:00 p.m., due, legal and timely notice of the meeting having been given to all members as required by law.

The meeting was duly called to order by the Mayor with the following members of the City Council being present, constituting a quorum of the City Council:

Jack Thomas	Mayor
Andy Beerman	Councilmember (via telecommunications media)
Becca Gerber	Councilmember
Cindy Matsumoto	Councilmember
Tim Henney	Councilmember

Absent: _____

There were also present:

Thomas A. Daley	Deputy City Attorney
Michelle Kellogg	City Recorder

After the minutes of the preceding meeting had been read and approved, the City Recorder presented to the City Council an affidavit evidencing the giving of not less than twenty-four (24) hours' public notice of the agenda, date, time and place of the November 22, 2016 public meeting of the City Council in compliance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the City Council, (2) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the City or to a local media correspondent, and (3) posting written notice of the meeting at the Utah Public Notice Website. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH)
)
COUNTY OF SUMMIT)

I, Michelle Kellogg, the duly qualified and acting City Recorder of Park City, Utah (the “City”), do hereby certify, according to the records of said City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours’ public notice of the agenda, date, time, and place of the November 22, 2016 public meeting held by the City Council of the City (the “City Council”), by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the City Council, located in the Marsac Municipal Building, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as *Exhibit A*; said Notice of Public Meeting having continuously remained so posted and available for public inspection during the regular office hours of the City until the convening of the meeting;

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as *Exhibit A* to be provided at least twenty-four (24) hours before the convening of the meeting to *The Park Record*, a newspaper of general circulation within the geographic jurisdiction of Park City, Utah; and

(c) causing a Notice of Public Meeting to be posted at the Utah Public Notice Website at least twenty-four (24) hours before the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November
22, 2016.

City Recorder

EXHIBIT 1

[ATTACH NOTICE OF PUBLIC MEETING]

The Mayor announced that one purpose of the meeting was to canvass the results of the special bond election held in the City on Tuesday, November 8, 2016 (the “*Special Bond Election*”), at the same time as the general election, on the question of the issuance of \$25,000,000 general obligation bonds of the City. The City Council thereupon recessed and convened as a board of canvassers (the “*Board of Canvassers*”).

The City Recorder presented to the Board of Canvassers the election results from each voting precinct (the “*Election Results*”) of the Special Bond Election on the proposition hereinafter set forth, such results having been provided by the County Clerks of Wasatch County and Summit County (the “*Election Officers*”).

The Election Results included a count of the votes cast at the Special Bond Election by valid absentee ballots and provisional ballots received by the Election Officers as required by law, before the canvass of the general election by the Board of Canvassers on the date hereof. The Election Results were ordered filed with the official records of the City.

It was thereupon moved by _____, seconded by _____ and carried that the Board of Canvassers publicly proceed to canvass and declare the results of the Special Bond Election. The Election Results of the Special Bond Election were then canvassed by the Board of Canvassers.

After canvassing the results of the Special Bond Election, the Board of Canvassers thereupon adjourned and reconvened as the City Council.

The following resolution was thereupon introduced in written form for consideration by the City Council. After due consideration of the resolution by the City Council,

_____ moved for its adoption, and _____ seconded the motion. On being put to a vote, the motion was carried by the following vote:

AYE:

NAY:

The resolution is as follows:

RESOLUTION NO. 34-07

A RESOLUTION finding and promulgating the results of a special bond election held in Park City, Utah, on November 8, 2016, to determine the issuance of \$25,000,000 General Obligation Bonds; ratifying and confirming acts done in connection therewith; and providing for related matters.

*** *** ***

WHEREAS, pursuant to a resolution duly adopted on August 11, 2016, a special bond election was called by the City Council (the “*City Council*”) of Park City, Utah (the “*City*”), to be held on November 8, 2016 (the “*Special Bond Election*”), at the same time as the general election, for the purpose of submitting to the qualified, registered electors of the City the bond proposition hereinafter set forth;

WHEREAS, the Special Bond Election was duly and regularly held and the election results thereof have been counted and tabulated;

WHEREAS, the election results (including any provisional ballots) have been certified by the City Council as the official election results for the Special Bond Election;

WHEREAS, a majority of the qualified, registered electors of the City who voted at the Special Bond Election voted in favor of the bonds described in the proposition hereinafter set forth, and the results of the Special Bond Election have today been officially canvassed by this City Council and declared to have resulted in favor of the approval of such proposition; and

WHEREAS, the City Council desires now to make the official findings required by Section 11-14-207 of Utah Code Annotated 1953, as amended (the “*Utah Code*”).

NOW, THEREFORE, Be It Resolved by the City Council of Park City, Utah, as follows:

Section 1. There having been furnished to the City Council the election results of the Special Bond Election held in the City on November 8, 2016, it is hereby officially found, determined and declared that, as to the proposition set forth in full in Section 2 of this Resolution, _____ votes were cast, of which _____ votes were in the affirmative and _____ votes were in the negative, no voters were challenged, and because there were no challenged voters, no voters were permitted to vote by provisional ballot and, therefore, no provisional ballots were counted.

Section 2. At the Special Bond Election on the proposition appearing below, a majority of the qualified, registered electors of the City voting on the following proposition and a majority of the qualified, registered electors of the City receiving ballots have assented to the issuance of the bonds described in such proposition:

CITY PROPOSITION NUMBER 1

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed \$25,000,000 and to mature in no more than 16 years from the date or dates of such bonds to acquire, improve and forever preserve open space, park and recreational land located in Bonanza Flats, if such land is available for purchase by the City, in order to protect the conservation values thereof, to remove existing unneeded man-made improvements, and to make limited improvements for public access, parking and use?

Therefore, the City is authorized to proceed with the issuance of the bonds specified in the foregoing proposition.

Section 3. The election results (including any provisional ballots), a true and correct copy of such election results being attached hereto as *Annex 1*, are hereby certified by the City Council as the official election results for the Special Bond Election.

Section 4. Only qualified, registered electors of the City under the Constitution and laws of the State of Utah were permitted to vote on the proposition submitted at the Special Bond Election.

Section 5. (a) A public hearing (which public hearing was held on September 15, 2016) was held in accordance with the requirements of Section 11-14-318 of the Utah Code. Notice of the public hearing, containing all matters required by law to be contained therein, was given by (i) publication on August 31, 2016 and September 7, 2016 in *The Park Record*, a newspaper of general circulation in the City and (ii) posting on August 31, 2016, on the Utah Public Notice Website, with the first publication and the posting being at least 14 days prior to the date set for the public hearing. The notice of the public hearing, as published and posted, and the public hearing proceedings are hereby in all respects approved, ratified and confirmed.

(b) The City submitted an argument in favor of the Bond Proposition to the County Clerk on or before September 9, 2016, and published such argument on a prominent place on its website on or before October 7, 2016, in accordance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16 of the Utah Code (the “*Transparency Act*”). The City did not receive an argument against the Bond Proposition to publish on its website. In accordance with the Transparency Act, the City Council held a public meeting on November 3, 2016, to allow the public to present arguments in favor of and against the Ballot Proposition.

Section 6. Notice of the Special Bond Election, embracing all matters required by law to be contained therein, was provided (a) by publication on October 8, 2016, October 15, 2016, and October 22, 2016, in *The Park Record*, a newspaper of general circulation in the City

(the date of the first of these publications was not less than twenty-one (21) days nor more than thirty-five (35) days prior to the date set for the Special Bond Election(b) to www.utahlegals.com, a website established and maintained by the collective efforts of Utah's newspapers, on October 6, 2015, at least the 3 weeks immediately preceding the Special Bond Election, and (c) on the Utah Public Notice Website from October 8, 2015 through November 8, 2016. The notice of the Special Bond Election, as given, is hereby in all respects approved, ratified and confirmed.

Section 7. All things whatsoever required by law to be done in connection with the calling and holding of the Special Bond Election and the counting of the election results of the Special Bond Election were properly and duly performed in manner and form as required by law.

Section 8. The City Council hereby ratifies, confirms, approves and finds to be in all respects regular and in compliance with law all (i) proceedings taken, (ii) acts performed, (iii) notices given, (iv) ballots prepared, (v) provisional ballot envelopes printed, (vi) election officials appointed, and (vii) things done in connection with the calling, giving notice and holding of the Special Bond Election and the counting of the votes cast at the Special Bond Election in accordance with the provisions of Chapter 4, Title 20A of the Utah Code.

Section 9. The City Council, having adopted this Resolution pursuant to the provisions of Section 11-14-207 of the Utah Code, determining that a majority of the qualified, registered electors of the City voting on the aforesaid proposition assented to the issuance of such bonds, the City is, therefore, authorized to proceed to issue the bonds voted at the Special Bond Election as permitted in Section 11-14-301 and in Chapter 27 of Title 11 of the Utah Code.

Section 10. The bonds approved at the Special Bond Election shall be sold as provided by law.

Section 11. This Resolution shall be effective immediately upon its adoption.

ADOPTED AND APPROVED by the City Council of Park City, Utah, this November 22, 2016.

PARK CITY, UTAH

By _____
Mayor

[SEAL]

ATTEST AND COUNTERSIGN:

By _____
City Recorder

APPROVED AS TO FORM:

By _____
Deputy City Attorney

(Other business not pertinent to the above appears in the minutes of the meeting.)

Upon the conclusion of all business and upon motion duly made and carried, the meeting of the City Council was adjourned.

PARK CITY, UTAH

Mayor

[SEAL]

ATTEST:

City Recorder

STATE OF UTAH)
)
COUNTY OF SUMMIT)

I, Michelle Kellogg, the duly qualified and acting City Recorder of Park City, Utah (the “City”), do hereby certify, according to the records of said City in my official possession, that the foregoing is a full, true and correct copy of the extracts of minutes of a public meeting of the City Council of Park City, Utah (the “City Council”) held on November 22, 2016, including a resolution adopted at the meeting, as recorded in the regular official book of minutes of the proceedings of the City Council kept in my office, that all members were given due, legal and timely notice of said meeting, that the meeting therein shown was in all respects called, held and conducted in accordance with law and in full conformity therewith, and that the persons therein named were present at the meeting, as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand this November 22, 2016.

City Recorder

ANNEX 1

[ATTACH COPY OF ELECTION RESULTS]

EXHIBIT A

[ATTACH ORIGINAL BALLOT— SUMMIT COUNTY]

EXHIBIT B

[ATTACH ORIGINAL BALLOT— WASATCH COUNTY]