



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
Phone: 801-568-7141

Meeting Agenda

City Council

Brooke Christensen, District 1
Maren Barker, District 2
Kristin Coleman-Nicholl, District 3
Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, January 2, 2018

5:15 PM

Council Chambers

Web address to view complete packet: <http://sandyutah.legistar.com>

The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: <http://sandy.utah.gov/government/city-council/procedure-guidelines.html>. Public comments during the Citizen Comment portion of the City Council meeting, or those offered during a Public Hearing may not exceed 3 minutes. If you wish to comment on a public hearing item(s), please hold your comments until that item is being discussed. Work Session items may or may not occur prior to 7:00 PM. Items not concluded during the Work Session will occur in the regular Council Meeting at the conclusion of other official business. Consent Calendar items have been previously considered or are otherwise routine in nature and will be considered in a single motion unless a Council Member wishes to discuss an item separately. In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

4:30 Dinner

5:15 Work Session

Agenda Planning Calendar Review

Council Member Business

Council Office Director's Report

Mayor's Report

CAO Report

Information Items

1. [17-065](#) Council Office recommending annually required Open and Public Meeting Act training.

Attachments: [Link to State Auditor training](#)
[David Church Discussion](#)

2. [18-007](#) City Council Office requesting review and discussion of Council policies.

Attachments: [Council Policy Review Presentation PDF](#)

7:00 Council Meeting

Roll Call

Opening Remarks / Prayer / Pledge of Allegiance

Citizen Comments

Council Items

3. [18-001](#) Mayor Bradburn recommending the City designate the clubhouse at River Oaks Golf Course as the Tom Dolan Clubhouse.

4. [17-299](#) City Council Office recommending the City Council adopt the 2018 annual meeting schedule.

Attachments: [Meeting Schedule Resolution 18-01C](#)
[Draft Annual Meeting Calendar](#)

5. [17-324](#) City Council requesting Council Office staff to prepare a Request for Proposal for contract legal services.

Attachments: [CouncilAttorneyRFP](#)

6. [18-009](#) Administration recommending audio-visual upgrades to the Council Chambers and overflow conference area for the purpose of moving Work Session meetings and enabling video streaming and recording.

Completion of reports and other items not held in the Work Session.

Adjournment



Staff Report

File #: 17-065, **Version:** 1

Date: 1/2/2018

Agenda Item Title

Council Office recommending annually required Open and Public Meeting Act training.

Presenter

Mike Applegarth

Description/Background:

Utah Code Annotated 52-4-104 requires presiding officer of the public body to ensure that the members of the public body are provided with annual training on the requirements of the Open and Public Meetings Act. The Council Office recommends the City Council listen to the brief training video developed by the State Auditor's Office on this topic. The link to the State Auditor's training site is: <http://training.auditor.utah.gov/courses/opma>, however a free account is required to view the video. The Council Office staff intends to play the video on the record for the City Council. In addition, a summary of the Act by David Church developed for the Utah League of Cities and Towns is attached to this item.

Applicable Statute/Rule/Policy/Guideline/Goal:

UCA 52-4-101 et seq.

Recommended Action and/or Suggested Motion:

No action required.

OPEN AND PUBLIC MEETINGS

By David L. Church

In order to understand the Open and Public Meetings Act it is only necessary to understand what the public policy behind the Act is. The Act specifically states that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business. It is the intent of the Legislature that the state, its agencies and political subdivisions take their actions and conduct their deliberation openly.¹

It is clear from this statement of policy that all meetings of official bodies of cities and towns, with very limited exceptions, are to be open to the public. It is not just having the meeting open to the public that is the policy of the State of Utah. It is also that deliberations be conducted openly. If you keep these two policies in mind it is easy to comply with the Open and Public Meetings Act.

For purposes of the Act it is first necessary to understand what a meeting is. The Act defines a meeting as being a convening of a public body when a quorum is present. Meetings include workshops, executive sessions and it does not matter if the meeting is held in person or by means of electronic communications. Convening is also defined to mean any meeting called by a person authorized to do so for the purpose of either discussing or acting upon a matter on a subject matter over which the body has jurisdiction or advisory power.² These very broad definitions are intended to include almost all gatherings of the city council or other committees of a municipality.

The exceptions to what a meeting is are very narrow. They include a chance meeting, a social meeting; a convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated and where the meeting is convened just to implement administrative matters.³

The Open and Public Meetings Act applies to more than just the governing body of a city. It also applies to Planning Commissions and the Boards of Adjustment and other advisory committees of the city or town. As long as this group consists of two or more persons, has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business it is governed by the Act. The intent of this is to include all committees, commissions, or other groups that may be carrying out anything that looks like the public's business if they are supported by public funds.

It is important to remember, however, that a quorum of the body is necessary for it to be a meeting subject to the Act. For example, any two council members of a third, fourth, and fifth class city could get together to discuss any matter without it being a meeting but

¹ Utah code 52-4-101.

² Utah code 52-4-103(2)

³ This could apply to smaller cities and the towns where individual council members have administrative departments but should only be used in very few circumstances.

three council members could not get together to discuss a public matter without it constituting a meeting. It is now clear in the law that in cities operating under the six-member council form of government that two council members and the mayor do not constitute a quorum. If a mayor is meeting with only two of his council members for purposes of avoiding the public scrutiny it will appear to the press and public that at the very least he or she is violating the spirit of the open meetings act and this should be avoided.

All meetings are to be open to the public with limited exceptions. In addition any special meeting such as a workshop or executive session that is held the same day as a regular meeting of the city or town must be held at the same location where the regularly scheduled meeting is being held. The purpose of this is to keep a city council from holding work meeting at a place like a mayor's home or a café prior to the regularly scheduled council meeting.

The exceptions to having a meeting open to the public are meetings for:

- (a) discussion of the character, professional competence, or physical or mental health of an individual;
- (b) strategy sessions to discuss collective bargaining;
- (c) strategy sessions to discuss pending or reasonably imminent litigation;
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct; and
- (h) discussion by a county legislative body of commercial information as defined in Utah code Section **59-1-404**.

Before a meeting may be closed for one of these valid reasons, the public body must be called together in an open meeting. At least two-thirds of the members of the public body present must vote to close the meeting before it can be closed. No closed meeting is allowed except for the reasons mentioned above. The reasons for holding the closed

meeting and the vote either for or against the proposition to hold the meeting are to be entered into the minutes of the public portion of the meeting.

The law requires that written minutes and a recording are to be taken and kept of all public meetings. Both the minutes and tapes are public records and must be made available to the public within a reasonable time following the meeting. The recording must be available within 3 days following the meeting. Each City and Town is required to establish a policy about how minutes are to be approved. Once a City Recorder, Town Clerk, or Clerk of a meeting get the minutes written and they are given to the members of the public body for their review, they must also be given to the public. They can be labeled as draft minutes subject to change or something like that.

The minutes of open meetings must include certain minimal detail. Including the date, time, and place of the meeting; the names of members present and absent; the substance of all matters proposed, discussed, or decided; a record, by individual member, of votes taken; the name of each person who provided testimony and the substance in brief of their testimony; and any other information that any member requests be entered in the minutes or recording that is a record of what went on in the meeting.

Written minutes may be kept and a digital or tape recording must also be kept of closed meetings. The open portion of the meeting minutes when the closed meetings is voted for must include the date, time, and place of the meeting, the names of the members present and absent and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting. These minutes are public records and are available to the public as set forth above.

The Act also gives the public the right to record any open meeting. This recording could include either audio recording or video recording of the meeting. You do not, however, have to let this recording interfere with the conduct of the meeting.

The closed portion of the meeting must be tape recorded. These tape recordings and minutes (if any) are protected records under the Government Records Access and Management Act and, therefore, should not become public except under the provisions of that Act. The exception to this is meetings in which the competence or physical or mental health of an individual is discussed or the deployment of security devices is discussed. The public body holding the meeting can then choose to have the Chair or presiding officer sign a sworn affidavit affirming that the sole purpose for closing the meeting was to discuss only those issues. The purpose for this exception is that when discussing an individual, frank and open discussions are important and the presence of a tape recording device or minutes may impede this open and frank exchange of ideas. If individuals are meeting to discuss deployment of security personnel or devices, it may very well compromise the security of these devices to have a tape recording or detailed minutes available.

The purpose of requiring the tape recording of the other types of closed meetings is also twofold. Protected records under the Government Records Access and Management Act

will eventually become public records when the reason for the protection is removed. Also, any person who feels like there has been a violation of the law regarding the closed meeting has a right to take this tape recording or the detailed minutes and have a Judge review what went on. If the Judge determines that the public body discussed matters in the closed session that were inappropriate, he will then make these matters public.

The Attorney General and the county attorneys of the State are charged with enforcing the Open and Public Meetings Act. Private individuals, however, can enforce these acts by bringing suit. They may bring suit to enjoin or force compliance with provisions of the Act. If the private individuals prevail, the court may award reasonable attorneys fees and court costs to the successful plaintiffs. If any person intentionally violates any provision of the Act regarding closed meetings that person can be found guilty of a class B misdemeanor.

The Utah Open and Public Meetings Act also provide the minimum notice for a public meeting. A public body shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time, and place. In addition to these requirements a public body which holds regular meetings that are scheduled in advance over the course of a year must give public notice at least once each year of its annual meeting schedule by giving notice of the date, time, and place of the scheduled meetings. This notice is satisfied by posting written notice at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; on the Utah Public Notice Website created under Section 63F-1-701 of the Utah Code; providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body; or a local media correspondent. A public body is encouraged to develop and use electronic means to provide notice of its meetings. The public body must also provide public notice to all other media agencies that make a periodic written request to receive them; and post public notice of its meetings on the Internet.

The notice requirements may be disregarded if because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given. An emergency meeting of a public body may not be held unless an attempt has been made to notify all of its members; and a majority of its members approves holding the meeting.

A public notice that is required to include an agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda. A public body may not consider a topic in an open meeting that is not listed under an agenda item included with the advanced public notice. However a topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.

The best way to avoid problems with the Open and Public Meetings Act is to err on the side of public openness. When in doubt, the meeting should be open. City councils and other committees or commissions of cities should not attempt to violate even the spirit of

the Act. It is important that the meeting not only is conducted in public, but the deliberations be conducted openly. It is not appropriate for members of public bodies such as city councils and planning commissions to conduct their deliberations privately and then in the public meeting just perfunctorily hold the vote.

A copy of the Act is attached.



Staff Report

File #: 18-007, **Version:** 1

Date: 1/2/2018

Agenda Item Title:

City Council Office requesting review and discussion of Council policies.

Presenter:

Mike Applegarth

Description/Background:

From time to time the City Council adopts policies to guide its work. With two new Council Members beginning in 2018, the Council Office recommends the Council review its existing policies with the goal of identifying policies that need to be deleted, amended, or added. A presentation with recommendations is attached.

Further action to be taken:

Council Chair to schedule a follow up discussion of the Council Policy Manual

Recommended Action and/or Suggested Motion:

No action required.

Council Policy Review

January 2018

Why have policy?

- Consistent
 - Similar issues handled similarly
- Efficient
 - No need to reinvent a new process for each issue
- Transparent
 - Citizens know what to expect
- In some cases required by state law

Why review policy?

- Two new Council Members
= a new City Council
- Council and Administration must have shared expectation of how business will be done
- If we are not going to follow policy, let's not have any
 - Creates confusion and competing expectation

Policy Enforcement

- Policies should serve the interest of the Council as a whole
 - Must be flexible
- Self-policing
 - Only the City Council can hold itself accountable for following its own policies

Recommendation

- The City Council should review its current policies and identify those that should be deleted, amended, or added.
- The Chair should schedule a discussion of Council policies in late January where the Council can debate and take action on needed changes.

Observations & Recommendations

Agenda Policy

- Is not followed
 - Neither Administration, nor Council submits agenda items in compliance with deadlines
 - Agenda items are not thoroughly reviewed prior to publication
 - Many items hastily thrown together the day before publication
- Recommendation:
 - Follow policy

Concept Approval

- Is not followed
 - Legislators must have an agreed process for introducing legislation to the body
 - Ideas are not currently conveyed in writing, in advance, on an agenda, **or voted upon**
 - Most come up verbally in “Council Business”
- Not a good vetting process
 - If everything is a priority then nothing is a priority
- Recommendation: delete if not followed

Role of the Chair

- Supervision
 - Member access to staff is welcome
 - Director prioritization sometimes needed
- Director performance review & pay
Recommendation: Does this policy cover the roles and responsibilities of the Chair as desired by the Council?

Attendance

- Is not enforced
- Tying attendance to compensation is not practical
 - Who keeps track?
 - What does “more than half a meeting” mean?
- Shouldn't elected officials be free to represent constituents as they see fit?
- Recommendation: delete

Differential Water/Garbage

- Practice differs from policy
 - We don't offer free garbage pickup
 - We don't do independent income and/or disability verification
- Recommendation: delete or amend to reflect current practice

Life of Animal License

- Practice differs from policy
 - Title 3 of City Code allows Animal Services Director to issue no or reduced cost 12-month license
 - Annual license supports vaccination regulation
- Recommendation: delete

Council Travel Policy

- Not utilized
- Was developed when multiple members were traveling for state and national conferences
- Referenced amounts are inconsistent with Council budget
- Recommendation: delete or amend

Sister Cities Travel

- Not utilized
- Interest in sister cities travel has waned
- Benefit to Sandy City is indeterminate
- Future Council Member sister cities travel could be addressed on case-by-case basis with Council
- Recommendation: delete

Citizen Recognition

- Not utilized the way intended
- Council Members have the right to disagree with proposed recognition
- Policy ensures anonymity of honoree if Council rejects recognition

Potential Policy Gaps

- Gifts
- Vote on ceremonial items including Mayor involvement
- Tours
- Spending generally
- Outreach
- Community Coordinators
- Advice and Consent

Recommendation Summary

- Stick to the agenda policy
- Legislative Proposal Policy (or Not)
- Better identify role of Chair
- Delete attendance policy
- Delete water/garbage rate policy
- Delete life of animal license policy
- Delete travel policies
- Utilize special recognition policy
- Identify and fill policy gaps



Staff Report

File #: 18-001, Version: 1

Date: 1/2/2018

Agenda Item Title:

Mayor Bradburn recommending the City designate the clubhouse at River Oaks Golf Course as the Tom Dolan Clubhouse.

Presenter:

Mayor Bradburn

Description/Background:

Mayor Bradburn requests the City Council's support in designating the clubhouse at River Oaks Golf Course as the Tom Dolan Clubhouse. An engraved granite boulder would be placed near the entrance to the clubhouse with the following inscription:

Tom Dolan Clubhouse
Mayor, 1993-2017

Fiscal Impact:

There is no increased cost to the General Fund as a result of this item. The Parks and Recreation Department has sufficient resources in its existing budget for the engraving. It will handle the placement and back-painting of the engraving in-house.

Further action to be taken:

The Parks and Recreation Department will make arrangement for the engraving and placement of boulder. It is expected that sometime this spring Administration will hold a small unveiling and dedication ceremony at the golf course.

Recommended Action and/or Suggested Motion:

Motion to approve the Mayor's recommendation to rename the club house at River Oaks Golf Course in honor of former Mayor Tom Dolan.



Staff Report

File #: 17-299, Version: 1

Date: 1/2/2018

Agenda Item Title:

City Council Office recommending the City Council adopt the 2018 annual meeting schedule.

Presenter:

Mike Applegarth, Executive Director

Description/Background:

State law requires a public body to publish its annual meeting schedule and to include the date, time, and location of each meeting. The City Council office has evaluated the 2018 calendar against known events and holidays that conflict with the Council's traditional Tuesday evening meetings. Adopting the schedule now and eliminating the known Tuesday night conflicts provides a better meeting planning platform and reduces the need to create multiple, individual meeting cancellation resolutions. Despite the publication of this annual meeting schedule, the City Council may still amend its schedule as needed from time to time by resolution.

Furthermore, the Council Office strongly recommends that the City Council begin alternating Tuesday meetings between Work Sessions and Council Meetings. For example, the first Tuesday of the month would include only Work Session items. These items would include only information briefing that don't require a Council vote, as well as a discussion of each item coming up the following week on the Council Meeting agenda that will require a vote. The next week in Council Meeting the City Council will have been fully briefed on the items scheduled for vote, and staff will have had time to thoroughly address questions that arose during the previous week's Work Session discussion of each item.

Currently, there is no qualitative difference between agenda items scheduled as Work Session or Council Meeting, except that the Council generally does not vote on Work Session items. However, if a Work Session item "trails" to the end of Council Meeting, it is heard as a Council item regardless of how it was initially noticed on the agenda. The arbitrary constraint of the Work Session time, namely between 5:15 PM and 7:00 PM does not lend itself well to adequate discussion of Work Session items. The Council and staff is often rushed to beat the 7:00 PM Council Meeting deadline, despite the relative importance of the items that follow in the 7:00 PM time slot. The Council Office believes that segregating the Work Session and Council Meeting items across separate weeks will be a more efficient use of time for the Council, staff, and public.

Should the Council desire to separate the Work Session from Council Meeting on different weeks, it also has the flexibility to start the Council Meetings earlier than 7:00 PM. If a new time is established, Resolution 18-01C should be amended to reflect the alternating schedule and adopted meeting start times.

Given the events and public hearing items already scheduled in January, the Council Office believes

a full transition to this alternating schedule would be feasible in February 2018.

Fiscal Impact:

There is no fiscal impact associated with this item.

Further action to be taken:

The Council Office and City Recorder's Office will publish the annual meeting schedule in accordance with state law.

Recommended Action and/or Suggested Motion:

Motion to adopt Resolution 18-01C.

Resolution #18-01C

A RESOLUTION OF THE SANDY CITY COUNCIL
ESTABLISHING THE 2018 ANNUAL MEETING SCHEDULE

WHEREAS, Utah Code Annotated § 52-4-202(2)(a) requires a public body which holds regular meetings that are scheduled in advance over the course of a year to give public notice at least once each year of its annual meeting schedule; and

WHEREAS, Utah Code Annotated § 52-4-202(2)(b) requires the public notice of the annual meeting schedule to also specify the date, time, and place of the scheduled meetings.

BE IT THEREFORE RESOVED, that the Sandy City Council hereby publishes the annual meeting schedule as indicated in Exhibit A to this resolution.

BE IT FURTHER RESOLVED, that unless otherwise indicated in the 24 hours public meeting notice required by Utah Code Annotated § 52-4-202(1)(a)(i) due to an offsite meeting location, traveling tour, or resolution amending this annual meeting schedule, in general, Sandy City Council Work Session Meetings begin at 5:15 PM followed by the regular Council Meeting at 7:00 PM, in the City Council Chambers at Sandy City Hall, 10000 Centennial Parkway, Sandy, Utah 84070.

PASSED AND APPROVED this 2nd day of January 2018.

Linda Martinez Saville, Chair
Sandy City Council

ATTEST:

City Recorder

RECORDED this _____ day of _____, 2018.

Exhibit A - Proposed Annual Meeting Schedule
(proposed meeting cancelations highlighted)

Date	Cancellation Note
Tuesday, January 02, 2018	
Tuesday, January 09, 2018	
Tuesday, January 16, 2018	
Tuesday, January 23, 2018	
Tuesday, January 30, 2018	Summit Awards
Tuesday, February 06, 2018	
Tuesday, February 13, 2018	
Tuesday, February 20, 2018	Appreciation Awards Banquet
Tuesday, February 27, 2018	
Tuesday, March 06, 2018	
Tuesday, March 13, 2018	
Tuesday, March 20, 2018	
Tuesday, March 27, 2018	
Tuesday, April 03, 2018	
Tuesday, April 10, 2018	
Tuesday, April 17, 2018	
Tuesday, April 24, 2018	
Tuesday, May 01, 2018	
Tuesday, May 08, 2018	
Tuesday, May 15, 2018	
Tuesday, May 22, 2018	
Tuesday, May 29, 2018	
Tuesday, June 05, 2018	
Tuesday, June 12, 2018	
Tuesday, June 19, 2018	
Tuesday, June 26, 2018	City Officials Social
Tuesday, July 03, 2018	Fourth of July Prep
Tuesday, July 10, 2018	
Tuesday, July 17, 2018	
Tuesday, July 24, 2018	Pioneer Day
Tuesday, July 31, 2018	
Tuesday, August 07, 2018	National Night Out
Tuesday, August 14, 2018	
Tuesday, August 21, 2018	
Tuesday, August 28, 2018	
Tuesday, September 04, 2018	
Tuesday, September 11, 2018	
Tuesday, September 18, 2018	
Tuesday, September 25, 2018	
Tuesday, October 02, 2018	
Tuesday, October 09, 2018	
Tuesday, October 16, 2018	
Tuesday, October 23, 2018	
Tuesday, October 30, 2018	
Tuesday, November 06, 2018	
Tuesday, November 13, 2018	
Tuesday, November 20, 2018	
Tuesday, November 27, 2018	Christmas Social
Tuesday, December 04, 2018	
Tuesday, December 11, 2018	
Tuesday, December 18, 2018	
Tuesday, December 25, 2018	Christmas Day
Tuesday, January 01, 2019	New Years Day



Staff Report

File #: 17-324, Version: 2

Date: 1/2/2018

Agenda Item Title:

City Council requesting Council Office staff to prepare a Request for Proposal for contract legal services.

Presenter:

Mike Applegarth and Dustin Fratto

Description/Background:

On December 12, 2017 The Council directed Council office staff to assemble a RFP seeking contract legal services for the Council. The City Council appropriated \$50,000 in the Council Office FY 2017-18 budget for professional services. During the budget review process, the Council had some discussion about using the funds for contract legal services in the event that the City Attorney was conflicted between positions of the Council and Mayor. It is not likely that the Council would have need of a full-time attorney. However, having an attorney on retainer in the event that the City Attorney is unable to provide advice to both the Council and Mayor, and/or having an attorney present and able to respond to the unique questions that arise from time to time during Council meetings may be advantageous.

Fiscal Impact:

To Be Determined

Further action to be taken:

Council staff will work with the Purchasing Division to execute the RFP for "LEGAL SERVICES FOR THE SANDY CITY COUNCIL."

Recommended Action and/or Suggested Motion:

Motion to direct the City Council Office to execute the RFP for legal services for the Sandy City Council.

**SANDY CITY
10000 CENTENNIAL PARKWAY
SANDY, UTAH 84070
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PURCHASING
JANUARY 2018**

REQUEST FOR PROPOSAL:

All sealed proposals will be opened privately by the City Purchasing Agent and the City Council Executive Director. Proposals will be evaluated to determine that the functional requirements of the City are met. An award will be made after the appropriate approvals have been received.

THIS IS NOT AN ORDER

PROJECT: "LEGAL SERVICES FOR THE SANDY CITY COUNCIL"

REQUIREMENTS:

Proposals must be returned no later than **10:30 a.m. Friday, January 26, 2018** to the Purchasing Department at the City Hall, 10000 Centennial Parkway, Room 330, Sandy Utah. Proposals should reflect the best and most competitive offers. However, Sandy City reserves the right to negotiate best offers prior to final award.

Proposals received after the deadline shall not be considered and will be returned unopened, to the offerer.

Proposals should be submitted in a sealed envelope which is clearly marked "LEGAL SERVICES FOR THE SANDY CITY COUNCIL", along with the name and address of the submitter.

Insurance will be required in accordance with "Exhibit A" attached.

See attached specifications.

Submit **TWO (2)** copies of your proposal and any other related material.

For further bid information contact Erica Langenfass, Purchasing Department (801) 352-4477. Any questions in regards to the services requested contact, Mike Applegarth, City Council Executive Director, (801) 568-7107.

The right is reserved to reject all proposals, to waive any informality or technicality or to accept proposals deemed in the best interest of Sandy City Corporation. **ALL PROPOSALS THAT MEET, EXCEED OR ARE COMPARABLE TO MINIMUM SPECIFICATIONS WILL BE ACCEPTED.**

**SANDY CITY CORPORATION
ERICA LANGENFASS
PURCHASING AGENT**

SANDY CITY
CITY COUNCIL LEGAL SERVICES

I. INTENT OF SPECIFICATIONS

It is the intent of these specifications to be descriptive and non-restrictive. These specifications set forth the minimum acceptable requirements for legal services for the Sandy City Council.

II. SUBMISSION OF PROPOSALS

Proposals shall be submitted in sealed envelopes with the project title, and vendors name and address marked clearly on the face of the envelope. In order to be considered for award, the respondent must complete all questions and submit their response, signed by an officer of the company, on or before the specified date and time for the proposal submittal.

III. PROPOSAL SHEET

All prices and notations shall be typewritten. No erasures will be permitted.

IV. SIGNATURE ON PROPOSAL SHEET

Your proposal must be signed by an authorized representative of the company named thereon. The signature on this proposal shall be interpreted to signify the vendor's intent to comply with all the terms, conditions and specifications set forth in this solicitation, unless specific exceptions are noted on the face of the proposal.

V. PROPOSAL EVALUATION CRITERIA

The City shall be the sole judge as to which proposal constitutes the "lowest and/or most responsible offer". Price is only one consideration. Qualifications, experience, and references will be considered in the awarding of the contract.

VI. INSURANCE REQUIREMENTS

Insurance will be required in accordance with Exhibit "A" attached to this request for proposal. Bidders should examine these insurance requirements and be prepared to present proof of insurance certificates upon acceptance of proposals. Failure to meet the insurance requirements may result in cancellation of the proposal acceptance.

SANDY CITY SPECIFICATIONS FOR COUNCIL LEGAL SERVICES

Sandy City is soliciting competitive sealed proposals from qualified and licensed attorney's for legal services to be performed for the Sandy City Council for the twelve (12) month period commencing upon the date of execution of the council legal services agreement. Contingent upon funding and attorney performance, this service could be renewed for an additional 12 month term. Responses must contain, in writing, all the terms and conditions of the proposal being made. Respondent agrees to provide all necessary manpower, equipment, materials, and documentation to perform the required services specified in this request:

- A) Provide an estimated 12-20 hours/month providing council legal services.
- B) Attend City Council meetings and other meetings as requested by the City Council Executive Director (ED). Be prepared to advise the Council on matters on the meeting agenda as well as procedural or substantive issues that arise during the meeting.
- C) Provide legal advice, consultation, and legal research to the City Council and council executive staff on municipal matters as requested by the ED. Same-day response is typically expected.
- D) Represent the City Council in legal matters where it is determined that the City Attorney has a conflict of interest.
- E) Research and interpret laws, court decisions, and other legal authorities in order to prepare legal opinions and to advise the City Council on legal matters pertaining to City operations.
- F) Research and submit legal opinions on municipal or other legal matters as requested by the ED.
- G) Provide legal briefings as requested by the ED to City Council and Executive Staff regarding new or proposed legislation affecting municipal operations and activities.
- H) Interpret and advise the City Council regarding State land use statutes and City Code.
- I) Prepare, review, and revise staff documents, including but not limited to, initiation of memorandums concerning legal issues, contracts, agreements, ordinances, resolutions, land use decisions on appeal, correspondence, and staff reports.
- J) Coordinate with the Sandy City Attorney on legal matters as necessary.
- K) Perform other legal duties as may be required by the ED as may be necessary to complete the performance and functions outlined above.

BASIC QUALIFICATIONS OF ATTORNEYS

In order to be considered for award, the respondent must possess a Juris Doctorate Degree, membership in the Utah State Bar, and admission to practice before all state courts and U.S. District Court.

ADDITIONAL INFORMATION, REQUIREMENTS, AND QUALIFICATIONS

- A) Your proposal must include a description of qualifications and background for you and for all employees that will work for you providing services to Sandy City. (This information will be kept confidential.) This description must include:
 - 1. Name, address, phone number and date of birth of all employee(s) who will work under the contract.
 - 2. Identification of the attorney who will serve as the lead attorney.
 - 3. Previous background and experience of each employee as a practicing attorney including prior municipal experience including experience advising the City Council in the Council-Mayor form of government.
 - 4. Description of previous experience in offering the required services specified in this request.
 - 5. List of all local governments currently served by the firm.
 - 6. Contact information of three client references.
 - 7. Verifiable evidence of membership in the Utah State Bar for each employee that will provide services to Sandy City.
- B) Areas of Performance and Effectiveness: The Sandy City Council recognizes that a successful provider of legal services will demonstrate these qualities:

1. Competent representation – doing things right (legal knowledge, research and analytical capabilities).
 2. Ethical leadership – doing the right things (principle-centered).
 3. Adhering to legal policies and procedures (promoting the public interest).
 4. Professional conduct (emotional and mental fortitude).
 5. Collaborative mindset (non-adversarial).
- C) Proposal must include the physical address of current office location(s), and other pertinent contact information.
- D) Description of the firm's view of their responsibilities to the City Council in the provision of legal services
- E) Copy of malpractice/liability insurance certificate as described in the attached "Exhibit A".
- F) Conflict of Interest: Indicate whether the designated lead attorney or the firm currently represent, or have represented in the past ten years:
1. Any client whose representation may conflict with the ability of the firm to to provide legal services the City Council.
 2. Any real estate developers, including the names of said companies.
 3. Any other government agencies that have jurisdiction within or contiguous to Sandy City.
 4. Any person(s) currently employed with and/or serving as an elected official of Sandy City.
 5. Identification of the procedures used by your firm to identify and resolve conflicts of interest.
- G) Fees:
1. Firms desiring to be considered for City Council legal services shall indicate the hourly rate for the lead attorney and any other attorneys and support staff that may be working on council business.
 2. Firms shall indicate all other costs and reimbursables including meeting attendance, travel (per mile), telephone, printing costs, etc.
 3. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and in person conferences.
- H) The selected firm will execute an agreement (which will drafted by the City) for council legal services and said agreement can be terminated upon thirty (30) days written notice by either party.
- I) Provide organizational information as detailed below:
1. Identify the attorney(s) with whom the city is contracting if an award is made.
 2. Provide a copy of the most current business entity information identifying the names, business addresses and contact information regarding officers and directors of your business entity. If some of the information differs from that which is on file with the Utah Department of Commerce, please explain the differences.
 3. Please provide an organizational chart which identifies the lines of responsibility between the contracting attorney and all employees and any other personnel that would be assigned to provide services to the Sandy City Council under a council legal services agreement.

“EXHIBIT A”

**INSURANCE AND INDEMNIFICATION REQUIREMENTS FOR
PARTIES CONTRACTING WITH SANDY CITY FOR:
CITY COUNCIL LEGAL SERVICES (2018)**

Contracting party shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the contracting party, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contracting party's proposal.

A. MINIMUM LIMITS OF INSURANCE

Contracting party shall maintain limits no less than:

1. **PROFESSIONAL LIABILITY AND ERRORS AND OMISSIONS COVERAGE:** \$2,000,000 per occurrence for premises/operations, products, public display, bodily injury, personal injury and property damages. Limits apply to this service product individually.

B. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retention, exceeding 5% limit of policy, must be declared to and approved by Sandy City. At the option of Sandy City, either; the insurer may be required to reduce or eliminate such deductibles or self-insured retention as respects Sandy City, its officers, officials and employees; or the contracting party may be required to procure a bond guaranteeing payment of losses and related investigations, claim distribution and defense expenses.

C. NOTICE OF INCIDENT OR ACCIDENT

Contracting party shall agree to disclose to Sandy City, all incidents or occurrences of accident, injury, and/or property damage covered by the insurance policy or policies.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages

A. Sandy City, its officers, officials, employees and volunteers are to be covered as an additional insured as respects: liability arising out of activities performed by or on behalf of the contracting party; products and completed operations of the contracting party; premises owned, leased, hired or borrowed by the contracting party. The coverage shall contain no special limitations on the scope of protection afforded to Sandy City, its officers, officials, employees or volunteers.

B. The contracting party's insurance coverage shall be a primary insurance as respects to Sandy City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by Sandy City, its officers, officials, employees or volunteers shall be in excess of the contracting party's insurance and shall not contribute with it.

C Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Sandy City, its officers, officials, employees or volunteers.

D The contracting party's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

I. Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against Sandy City, its officers, officials, employees and volunteers for losses arising from work performed by the contracting party for Sandy City.

III. All Coverage

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice has been given to Sandy City, except for nonpayment of premium, in which case the insurer will provide 10 days notice.

E. ACCEPTABILITY OF INSURERS

Insurance and bonds are to be placed with insurers admitted in the State of Utah with a Bests' rating of no less than A-, IX, and in the limits as listed in this document, unless approved by the Director of Risk Management .

F. VERIFICATION OF COVERAGE

Contracting party shall furnish Sandy City with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be furnished to and accepted by Sandy City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, with all endorsements, at any time.

G. SUBCONTRACTORS

Contracting party shall include all subcontractors as an insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

H. INDEMNIFICATION / LIABILITY

Contracting party shall indemnify and hold harmless the Customer, its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, including attorneys fee, that may at any time arise or be set up because of damages to property, bodily injury or personal injury received by reason of or in the course of providing services to the City but only to the extent caused by any willful, negligent or wrongful act or omission of the contracting party, any of their employees or any subcontractors.



Staff Report

File #: 18-009, Version: 1

Date: 1/2/2018

Agenda Item Title:

Administration recommending audio-visual upgrades to the Council Chambers and overflow conference area for the purpose of moving Work Session meetings and enabling video streaming and recording.

Presenter:

Mayor Bradburn

Description/Background:

In conjunction with the conversion of the Council conference room and the implementation of the Granicus agenda management system, Work Session meetings were moved from the conference room to the Council Chambers. The major advantage of holding the Work Session in the Council Chambers is the use of the audio-visual equipment, and the ability to record the entire Tuesday meeting on a single system. The audio-visual equipment in the Council conference room is poor and is not compatible with the agenda management system. Another advantage of holding the Work Session in the Council Chamber is that the space is more accommodating to the public. The Council conference room is small and was often crowded during past Work Session meetings. Few seats were available for the public, and as such, it was not clear that the Work Session was in fact an open and public meeting.

A disadvantage sometimes expressed since the move to the Council chamber is the loss of the conversational tone of the Work Session. A central conference table was seen as a way to facilitate dialogue about Work Session agenda items. Conversely, the formal atmosphere of the Council Chamber perhaps facilitates "presentation" and inhibits the exchange of ideas through conversation.

Administration has been exploring ways to bridge the gap between the need to ensure compatibility with the agenda management, the desire to bring Work Session into a more intimate, central conference space, and the need to do so in a way that facilitates public participation. One option initially explored included physical expansion of the Council conference room along with the necessary audio-visual hardware upgrades. However, due to the location of the utility closet and telecommunication equipment for City Hall, the physical expansion of the room is not feasible. The preferred option is an audio-visual system upgrade for the Council overflow. The space easily accommodates a large semi-circular or u-shaped conference table on the north end as well as ample space for the public to be seated on the south end in the area currently used for hospitality. The space can be easily closed off when Work Sessions are not happening.

In conjunction with the audio-visual upgrade to the Council overflow to enable communication with the agenda management system, Administration recommends the installation of the necessary equipment for video streaming and archiving of Council meetings. This would include a single ceiling-mounted camera in Council overflow to capture the Work Session meetings, and three cameras in

the Council Chamber to adequately capture the Council meeting including a static room camera, a camera shooting the podium, and a point and zoom camera for dialogue at the dais. Live streaming could be accomplished with only a static shot of the Chamber, but switching equipment to alter the camera views and angles would make the video more watchable and engaging.

Fiscal Impact:

It is initially estimated that a complete upgrade of the Council overflow would cost approximately \$100,000. As a result of the appropriation of carryover funds on November 14, 2017, a Council capital contingency was created. The current balance in that account is \$395,618. \$99,839 of that amount is due to unexpended funds from the last two budget cycles in the Council Office budget. Among other competing capital project needs, one possible use of these funds could be to cover the cost of the Council overflow upgrades.

Further action to be taken:

Administration to report back on the exact timing and cost of the Council overflow audio-visual upgrades.

Recommended Action and/or Suggested Motion:

Motion to approve in concept the audio-visual equipment upgrade of the Council overflow.