COTTONWOOD HEIGHTS

ORDINANCE NO. 216

AN ORDINANCE ADOPTING AN AMENDED BUDGET FOR THE PERIOD OF 1 JULY 2013 THROUGH 30 JUNE 2014

WHEREAS, the Uniform Fiscal Procedures Act for Utah Cities (the "*Act*") provides, among other things, that prior to adoption by a city's governing body of a municipal budget, the city's mayor or other budget officer shall propose a tentative budget which shall be reviewed, considered and tentatively adopted by the governing body in open meeting, whereupon (a) the governing body shall establish the time and place of a public hearing to consider the adoption of the tentative budget; (b) the tentative budget shall be a public record in the office of the city's recorder available for public inspection for a period of at least ten days prior to the adoption of a final budget; (c) notice of the public hearing shall be published in a newspaper of general circulation in the city, and on the Utah Public Notices Website, at least seven days prior to the public hearing; and (d) the public hearing shall be held; and

WHEREAS, the Act also provides that certain amendments to a city's adopted budget require similar procedures for adoption, including approval of the amendment by resolution or ordinance following a public hearing; and

WHEREAS, pursuant to its Ordinance No. 205 ("*Ordinance 205*") dated 18 June 2013, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a budget for the City's 2013-14 fiscal year and set the real and personal property tax levy for realty and personalty within the City; and

WHEREAS, at a meeting of the Council on 21 January 2014, Steven Fawcett, the City's budget officer, filed with the Council a proposed amended budget (the "*Amended Budget*") for the City's the current fiscal year and an accompanying budget message as required by the Act; and

WHEREAS, the Amended Budget was reviewed, considered and tentatively adopted by the Council on 28 January 2014 pursuant to its authority under UTAH CODE ANN. §10-6-118; and

WHEREAS, from and after 28 January 2014, a copy of the Amended Budget has been available for public inspection in the office of the City's recorder; and

WHEREAS, the Council set 7:00 p.m. on 11 February 2014 at 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah as the time and place of a public hearing regarding adoption of the Amended Budget; and

WHEREAS, notice of the public hearing concerning the Amended Budget was timely published in the *Deseret News* and *Salt Lake Tribune* and on the Utah Public Notices Website established under UTAH CODE ANN. §63F-1-701 as required by statute; and

WHEREAS, the public hearing was held beginning at approximately 7:00 p.m. on 11 February 2014 at 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah to receive public comment on the Amended Budget as set forth in the published notice; and

WHEREAS, at the public hearing, all interested persons were given an opportunity to be heard; and

WHEREAS, on 11 February 2014, the Council met in regular session to consider, among other things, approving the Amended Budget as proposed; and

WHEREAS, it is the intent and desire of the Council to comply with all applicable laws regarding adoption of the Amended Budget and ratification of the property tax rate and the levying of property taxes as provided in Ordinance 205; and

WHEREAS, after careful consideration, the Council finds that it has satisfied all legal requirements to adopt the Amended Budget and to ratify the tax rate and levy property taxes as provided in Ordinance 205, and that it is in the best interests of the citizens of the City to adopt the Amended Budget presented at the 11 February 2014 public hearing as the amended final budget for the City for the period in question, and to ratify the rate of property tax and to levy taxes upon all real and personal property within the City as provided in Ordinance 205;

NOW, THEREFORE, BE IT ORDAINED by the Cottonwood Heights city council as follows:

Section 1. ***Adoption of Amended Budget***.

A. The Amended Budget presented at the 11 February 2014 public hearing (as heretofore modified by the Budget Officer under Council direction, including the amendments specified on any exhibits that are attached to this Ordinance) be, and hereby is, appropriated for the corporate purposes and objects of the City for the fiscal year in question, and hereby is adopted as the City's final budget for the period of 1 July 2013 through 30 June 2014, subject to amendment.

B. A copy of the Amended Budget adopted hereby shall be certified and filed with the Utah State Auditor, as appropriate, and shall be available for public inspection during regular business hours at the City's business offices.

C. The City's manager and other officers are hereby directed to take any other necessary actions pertinent to the adoption of the Amended Budget, including, without limitation, such notification, reporting and publishing as may be required by applicable law.

D. Amounts in excess of the City's cash requirements shall be deposited in the investment fund maintained by the state treasurer under the State Money Management Act, UTAH CODE ANN. §51-7-1 *et seq.*

Section 2. ***Property Tax Rate and Levy***. Section 2 of Ordinance 205 is hereby ratified, affirmed and incorporated herein by this reference.

Section 3. ***Action of Officers***. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. ***Severability***. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. ***Repealer***. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. ***Effective Date***. This Ordinance, assigned no. 216, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 11th day of February 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

COTTONWOOD HEIGHTS, UTAH 2005 CORPORATE SEAL

_____
Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ✓	Nay ___
Michael L. Shelton	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Michael J. Peterson	Yea ✓	Nay ___
Tee W. Tyler	Yea ✓	Nay ___

DEPOSITED in the Recorder's office this 11th day of February 2014.

POSTED this 12 day of February 2014.

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