

NOV 19 2009

DANIEL A. MULE'  
CITY TREASURER

# SALT LAKE CITY CORPORATION

DEPARTMENT OF MANAGEMENT SERVICES  
TREASURER'S DIVISION

RALPH BECKER  
MAYOR

## CITY COUNCIL TRANSMITTAL

  
David Everitt, Chief of Staff

Date Received: 11/10/2009  
Date sent to Council: 11/12/2009

**TO:** Salt Lake City Council  
Carlton Christensen, Chair

**DATE:** November 10, 2009

**FROM:** Lyn Creswell, Administrative Services Director



**SUBJECT:** Canvass Proceedings – November 3, 2009 Special Bond Election

**STAFF CONTACT:** Daniel A. Mulé, City Treasurer (801-535-6411)



**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** That the City Council approve a Resolution finding and promulgating the results of a special bond election held on November 3, 2009.

SCANNED TO: *David*  
SCANNED BY: *Fau Li*  
DATE: *11/11/09*

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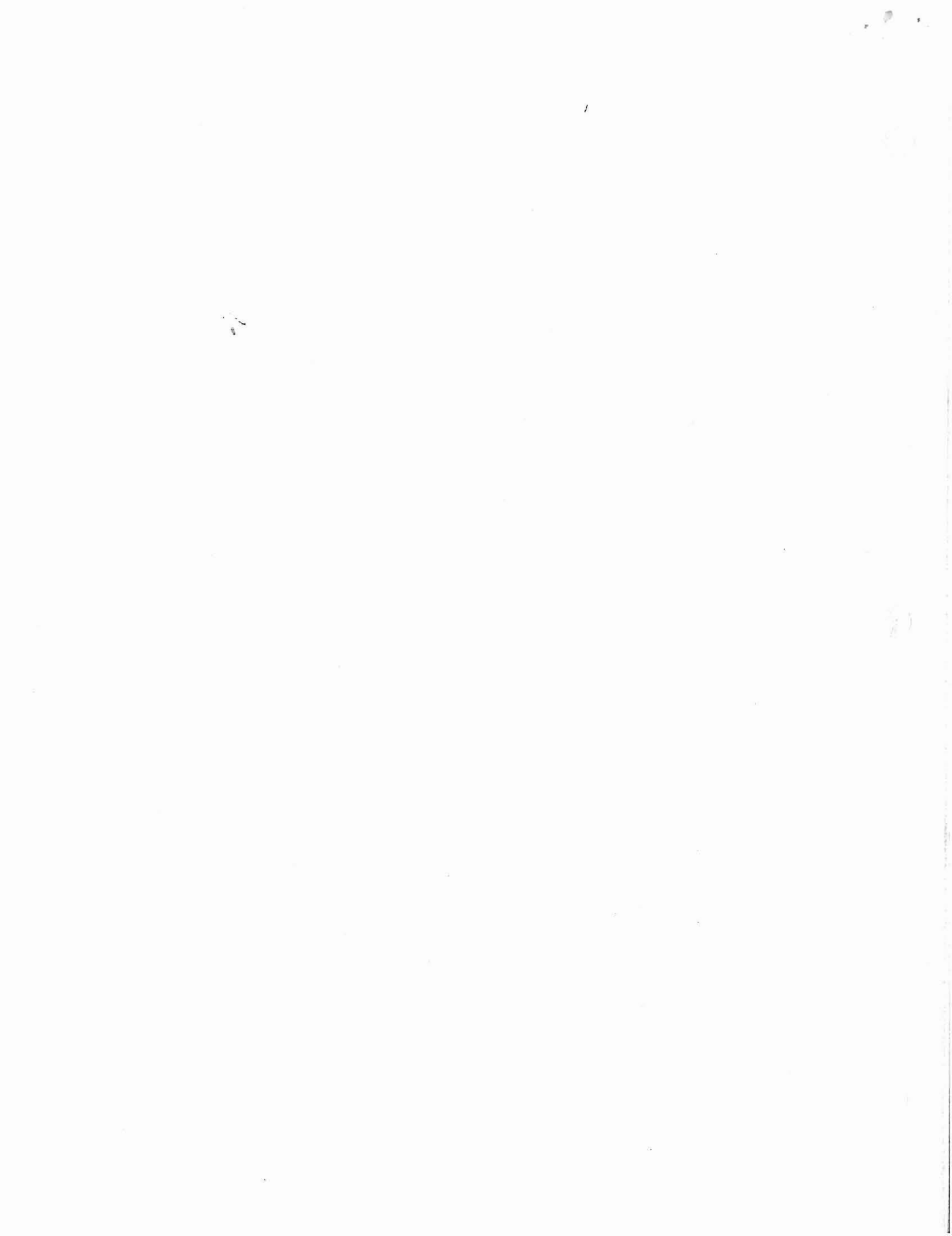
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 RECYCLED PAPER



Salt Lake City, Utah

November 17, 2009

The City Council (the "*City Council*") of Salt Lake City, Utah (the "*City*"), met in regular public session on November 17, 2009, at the regular meeting place of the City Council in the Council Chambers, Room 315 in the City and County Building, 451 South State Street, in Salt Lake City, Utah, at 7:00 p.m., Utah time, 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 Councilmember Søren Simonsen, who was conducting the meeting, with the following members of the City Council being present, constituting a quorum of the City Council:

Carlton J. Christensen	Chair
JT Martin	Vice Chair
Luke Garrott	Councilmember
K. Eric Jergensen	Councilmember
Jill Remington Love	Councilmember
Søren Simonsen	Councilmember
Van Blair Turner	Councilmember

Absent: \_\_\_\_\_

There were also present:

[Ralph Becker	Mayor]
Edwin P. Rutan, II	City Attorney
Scott Crandall	Deputy City Recorder

The Deputy 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 17, 2009 regular public meeting of the City Council in compliance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended (the "*Utah Code*"), 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 on 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 SALT LAKE    )

I, Scott Crandall, the duly qualified and acting Deputy City Recorder of Salt Lake City, Utah (the "City"), do hereby certify, according to the records of the 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, not less than twenty-four (24) hours' public notice of the agenda, date, time, and place of the November 17, 2009 regular public meeting held by the City Council of the City (the "City Council"), was given by:

(a) causing a Notice of Public Meeting to be posted at the principal office of the City Council at Room 325, City and County Building, 451 South State Street, in Salt Lake City, Utah, on November 13, 2009, at least twenty-four (24) hours before the convening of the meeting, in the form attached hereto as *Exhibit 1*; said Notice of Public Meeting having continuously remained so posted and available for public inspection during regular office hours until the convening of the meeting;

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as *Exhibit 1* to be provided on November 13, 2009, at least twenty-four (24) hours before the convening of the meeting, to *The Salt Lake Tribune* and the *Deseret News*, newspapers of general circulation within the geographic jurisdiction of the City; and

(c) causing a Notice of Public Meeting, in the form attached hereto as *Exhibit 2*, to be posted on November \_\_\_\_, 2009, on 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 and impressed hereon the official seal of Salt Lake City, Utah, this 17th day of November, 2009.

---

Deputy City Recorder  
Salt Lake City, Utah

[SEAL]

**EXHIBIT 1**

[ATTACH NOTICE OF PUBLIC MEETING]

**EXHIBIT 2**

[ATTACH COPY OF MEETING NOTICE POSTED ON UTAH PUBLIC NOTICE WEBSITE]



It was noted that, as required by Section 52-4-203 of the Utah Code, written minutes and a recording of this meeting are being kept.

After the conduct of other business not pertinent to the following, Councilmember Søren Simonsen announced that one purpose of the meeting was to canvass the results of the special bond election held in the City on Tuesday, November 3, 2009 (the "*Special Bond Election*"), at the same time as the municipal general election, on the question of the issuance of \$125,000,000 general obligation bonds of the City. The City Council thereupon recessed and convened as a board of canvassers (the "*Board of Canvassers*"). Sonya Kintaro, the Records and Elections Coordinator, as the representative of the City Recorder who is in charge of elections (the "*Elections Coordinator*"), 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 Clerk of Salt Lake County, Utah (the "*County Clerk*"), and printed by the apparatus used to tabulate the Election Results of such Special Bond Election.

The Election Results printed by the tabulating apparatus included a count of the votes cast at the Special Bond Election by valid absentee ballots and provisional ballots received by the County Clerk as required by law, before the canvass of the Special Bond Election by the Board of Canvassers. Therefore, it was not necessary to appoint election judges to count additional valid absentee ballots. 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 was subsequently presented to and approved and signed by the Mayor, was approved as to form and signed by the Senior City Attorney, was signed by the Chair of the City Council, and was attested and recorded by the Deputy City Recorder in the official records of said City. The resolution is as follows:

RESOLUTION NO. \_\_\_\_\_ OF 2009

A RESOLUTION finding and promulgating the results of a special bond election held in Salt Lake City, Utah, on November 3, 2009, to determine the issuance of \$125,000,000 General Obligation Bonds of the City to provide a public safety administration and operations building, an emergency operations center, and related facilities; ratifying and confirming acts done in connection therewith; and providing for related matters.

\*\*\*      \*\*\*      \*\*\*

WHEREAS, pursuant to a resolution duly adopted on July 14, 2009, a special bond election was called by the City Council (the "*City Council*") of Salt Lake City, Utah (the "*City*"), to be held on November 3, 2009 (the "*Special Bond Election*"), at the same time as the municipal 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 on the proposition at each polling place have been counted and tabulated by the tabulating apparatus used in conjunction with the Special Bond Election;

WHEREAS, the election results printed by the tabulating apparatus used to count the votes cast at the Special Bond Election (including any vote by absentee ballot counted with the other ballots cast at the respective polling place, to which have been added votes validly cast by additional absentee ballots and provisional ballots) have been certified by the City Council as the official election results from each and every polling place established for the Special Bond Election; and

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 election 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;

NOW, THEREFORE, Be It Resolved by the City Council of Salt Lake 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 3, 2009, printed by the tabulating apparatus employed in conjunction therewith, 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 (including the provisional ballots referenced below), of which \_\_\_\_\_ votes were in the affirmative and \_\_\_\_\_ votes were in the negative, \_\_\_\_\_ voters were challenged, and of the challenged voters, \_\_\_\_\_ were permitted to vote by provisional ballot, and of the \_\_\_\_\_ provisional ballots issued, \_\_\_\_\_ provisional ballots were valid and therefore 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:

## PROPOSITION #1

### Public Safety Facilities

Shall Salt Lake City, Utah, be authorized to issue general obligation bonds in an amount not to exceed \$125,000,000 and to mature in no more than 21 years from the date or dates of issuance of such bonds for the purpose of providing a public safety administration and operations building, an emergency operations center, and related facilities?

#### Notice of Property Tax Increase Due to Bond Issuance

Passage of the proposition means that the tax on a \$260,890 residence in the City would increase \$75 per year (\$260,890 being the estimated average value of a residence in the City).

The tax on a \$260,890 business in the City would increase \$136 per year (\$260,890 being the value of a business having the same value as the estimated average value of a residence in the City).

The foregoing information is only an estimate of tax increases and, pursuant to Utah law, is not a limit on the amount of taxes that the City may be required to levy in order to pay debt service on the bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the bonds and taxable values of property in the City.

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

*Section 3.* The election results printed by the tabulating apparatus employed to count and tabulate the votes cast at the Special Bond Election (including any vote by absentee ballot counted with the other ballots cast at the respective polling place and to which have been added votes validly cast by additional absentee ballots and provisional ballots), a true and correct copy of such election results being attached hereto as *Annex I*, are hereby certified by the City Council as the official election results for the Special Bond Election from each and every polling place established 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 public hearing was held in accordance with the requirements of Section 11-14-318 of the Utah Code Annotated 1953, as amended (the "*Utah Code*"). Notice of the public hearing, containing all matters required by law to be contained therein, was given by (a) publication on September 1, 2009 and September 8, 2009 in *The Salt Lake Tribune* and the *Deseret News*, newspapers of general circulation in the City and (b) posting on August 25, 2009, at 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.

*Section 6.* Notice of the Special Bond Election, containing all matters required by law to be contained therein, was given by publication on October 6, 2009, October 13, 2009, October 20, 2009, and October 27, 2009 in *The Salt Lake Tribune* and the *Deseret News*, newspapers 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. The notice of the Special Bond Election, as published, is hereby in all respects approved, ratified and confirmed.

*Section 7.* The City Council did, by resolution adopted on July 14, 2009, designate the polling places for the Special Bond Election. The ballots used at the Special Bond Election

were in the form provided by law. There were furnished to the poll workers for each polling place a registration list or copy thereof listing all registered electors entitled to use such polling place to vote in the Special Bond Election. The persons who served as the election officials at the Special Bond Election in each voting precinct were duly and properly appointed to serve in such capacity and in connection with the municipal general election in accordance with law. The places of all absent poll workers were properly filled in accordance with law. Before opening the polls, the poll workers were properly sworn in accordance with law. The early voting period for the Special Bond Election was held and conducted in accordance with law. On the day of the Special Bond Election, the polls at the polling places were opened at 7:00 a.m. and remained open until, and not later than, 8:00 p.m. Only persons registered and qualified as electors and entitled to vote in the Special Bond Election under the Constitution and laws of the State of Utah voted at the Special Bond Election. After the closing of the polls, the necessary records were made by the poll workers and all other election officials in accordance with law, and all ballots (including electronic ballots, absentee ballots and provisional ballots) were secured by such election officials, prepared for and delivered to the County Clerk and the City Council, as required by law.

All votes cast by absentee ballots and provisional ballots received as required by law by the County Clerk were counted and the resulting tally was included in the official canvass by the City Council and the election results printed by the tabulating apparatus in the manner prescribed by law.

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 proceedings taken, acts performed, notices given, electronic ballots prepared, absentee ballots and provisional ballot envelopes printed, election officials appointed, including the election officials appointed to test the voting devices used in the Special Bond Election and to test and operate the tabulating apparatus employed to count the votes cast at the Special Bond Election, polling places used and 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 this 17th day of November, 2009.

SALT LAKE CITY, UTAH

By \_\_\_\_\_  
Chair, City Council

[SEAL]

ATTEST:

By \_\_\_\_\_  
Deputy City Recorder

APPROVED:

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior 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.

SALT LAKE CITY, UTAH

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Chair, City Council

[SEAL]

ATTEST:

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Deputy City Recorder

STATE OF UTAH            )  
  )  
COUNTY OF SALT LAKE    )

I, Scott Crandall, the duly qualified and acting Deputy City Recorder of Salt Lake 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 regular public meeting of the City Council of the City (the "City Council") held on November 17, 2009, 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.

I further certify that attached hereto as *Exhibit A* is a true and correct copy of the ballot sheet that was prepared for use in casting a vote by means of an absentee ballot or provisional ballot at the November 3, 2009 special bond election held in the City and that was taken from the same printing as the ballot sheets actually used at that election. I further certify that a true and correct copy of the electronic ballot that was prepared for use in casting a vote by means of the direct electronic voting device at the November 3, 2009 special bond election held in the City was in the same form as the ballot sheet attached as *Exhibit A* hereto, excluding the section entitled "Instructions to Voters."

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed  
hereon the official seal of Salt Lake City, Utah, this 17th day of November, 2009.

---

Deputy City Recorder  
Salt Lake City, Utah

[SEAL]

**ANNEX 1**

[ATTACH COPY OF ELECTION RESULTS PRINTED BY THE TABULATING APPARATUS]

**EXHIBIT A**

[ATTACH ORIGINAL BALLOT SHEET]