

**Ordinance No. 2020-16**

**AN ORDINANCE AMENDING VOLUME I: EXECUTIVE SUMMARY: POLICIES AND OBJECTIVES, PART I - PUBLIC SERVICE CONTRACTS IN THE ADJUSTED BUDGET FOR FY 2020 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.**

WHEREAS, Utah State law requires that city budgets be adopted by ordinance and Park City includes several administrative policies within the budget documents; and

WHEREAS, a public hearing was held on March 5, 2020 at the City Council's regularly scheduled meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. 2020 ADJUSTED BUDGET VOLUME I: EXECUTIVE SUMMARY: POLICIES AND OBJECTIVES AMENDMENT. The PART I - PUBLIC SERVICE CONTRACTS budget policy as outlined Pages 137-141 in the City Council Adopted Budget adopted on August 29, 2019 is hereby amended as shown in Attachment 1.

SECTION 2. EFFECTIVE DATE. The 2020 Adjusted Budget Policy Amendment shall take effect upon publication.

PASSED AND ADOPTED this 5<sup>th</sup> day of March, 2020.

PARK CITY MUNICIPAL CORPORATION

  
Mayor Andy Beerman

Attest:

  
Michelle Kellogg, City Recorder



Approved as to form:

  
Mark Harrington, City Attorney

**POLICIES & OBJECTIVES**

**CHAPTER 5 - CONTRACTS & PURCHASING POLICY**

**PART I - PUBLIC SERVICE CONTRACTS (AMENDED MAY 2019)**

As part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City. Depending upon the type of service category, payment terms of the contracts may take the form of cash payment and/or offset fees or rent relating to City property in exchange for value-in-kind services. The use of the public service contracts will typically be for specific services rendered in an amount consistent with the current fair market value of said services.

**A. Public Service Fund Distribution Criteria**

In order to be eligible for a public service contract in Fund Categories 1-3, organizations must meet the following criteria:

1. **Criterion 1: Accountability and Sustainability of Organization** - The organization must have the following:
  - a. Quantifiable goals and objectives.
  - b. Non-discrimination in providing programs or services.
  - c. Cooperation with existing related programs and community service.
  - d. Compliance with the City contract.
  - e. Federally recognized not-for-profit status.
2. **Criterion 2: Program Need and Specific City Benefit** - The organization must have the following:
  - a. A clear demonstration of public benefit and provision of direct services to City residents.
  - b. A demonstrated need for the program or activity. Special Service Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.
3. **Criterion 3: Fiscal Stability and Other Financial Support** - The organization must have the following:
  - a. A clear description of how public funds will be used and accounted for
  - b. Other funding sources that can be used to leverage resources.
  - c. A sound financial plan that demonstrates managerial and fiscal competence.
  - d. A history of performing in a financially competent manner.
4. **Criterion 4: Fair Market Value of the Services** - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

## **POLICIES & OBJECTIVES**

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### **B. Total Public Service Fund Appropriations**

The City may appropriate up to 1 percent of the City's total budget for public service contracts for the Special Service Contract and Rent Contribution Categories described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to Historic Preservation as described below.

### **C. Fund Categories and Percentage Allocations**

For the purpose of distributing Public Service Funds, public service contracts are placed into the following categories:

#### **1. Special Service Contracts**

- a. Regular Services**
  - Community Art & Culture
  - Park City History and Visitor Services
  - Sister City Administration
  - Trails Management
  - Waste/Recycling Management
- b. Social Equity**
  - Childhood Care & Development
  - Medical Treatment
  - Emergency Assistance
  - Food Pantry
  - Legal Mediation Services
  - Housing Outreach & Education
  - Safe Haven
  - Additional services related to Social Equity Strategic Plan
- c. Innovation Grants**

#### **2. Rent Contribution**

#### **3. Historic Preservation**

A percentage of the total budget (which shall not exceed 1 percent) is allocated for contracts in the Special Service Contract and Rent Contribution categories by the City Council. A specific dollar amount is allocated to Historic Preservation and the Historic Preservation Grant Program based upon funds available from the various Redevelopment Agencies and the General Fund.

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The category percentage allocation could vary from year-to-year, depending on Council discretion. In addition, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category may fluctuate proportionally. Unspent fund balances at the end of a year will not be carried forward to future years. It is the intent of the City Council to appropriate funds for specific ongoing community services and not fund one-time projects or programs.

### **D. Special Service Contracts**

A portion of the budget will be designated for service contracts relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to the following: community art & culture, Park City history and visitor services, sister city administration, trails management, waste/recycling management, childhood care & development, medical treatment, emergency assistance, food pantry, legal mediation services, housing outreach & education, and safe haven. More categories will be added to social equity services based off of the Social Equity Strategic Plan. To the extent possible, individual special services will be delineated in the budget.

Service providers are eligible to apply for a special service contract every biennial budget process, with the exception of innovation grants which could run from one to three years. The City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City Staff. The City reserves the right to accept, reject, or rebid any service contracts that are not deemed to meet the needs of the community or the contractual goals of the service contract.

Each special service provider will have a special service contract with a term of two years. Half of the total contract amount will be available each year. Eighty percent of each annual appropriation will be available at the beginning of the fiscal year, with the remaining 20 percent to be distributed upon demonstration through measures (quality and quantity) that the program has provided public services meeting its goals as delineated in the public service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by March 31 of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

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**Innovation Grants:** City council intends to provide the community with a meaningful venue to deliver unique and innovative ideas focused on tackling the City's challenges. These solutions may focus on the Community Critical Priorities of energy, housing, transportation, and social equity, but may be related to any initiative the City deems worthwhile. Grants would provide an organization with seed money to create programs or start initiatives, but would not serve as a long-term funding solution for non-profits. Innovation grants will typically have distributions ranging from 1-3 years.

**Deadlines:** All proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there are unallocated funds, extraordinary requests may be considered every six months during the two-year budget cycle, unless otherwise directed by Council.

Extraordinary requests received after this deadline must meet all of the following criteria to be considered:

1. The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
2. The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
3. The applicant must demonstrate that other possible funding sources have been exhausted.

### **E. Rent Contribution**

A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. Rent Contribution lease agreements will not exceed five years in length unless otherwise directed by the City Council. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

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### **F. Historic Preservation**

Each year, the City Council may appropriate a specific dollar amount relating to historic preservation. The City Council will appropriate the funding for these expenditures during the annual budget process. The funding source for this category is the Lower Park Avenue, ~~the and~~ Main Street RDA, and the General Fund. The City Council hereby authorizes the Historic District Grant Program. The disbursement of the funds shall be administered pursuant to the Historic District Grant Program pursuant to applications and criteria established by the Planning Department, and awarded by the Planning Department except that City Council approval shall be required for disbursement amounts greater than \$25,000. consistent with UCA § 17A-3-1303, as amended. In instances where another organization is involved, a contract delineating the services will be required. Projects involving city property or partnerships shall be limited to Category A. Repair funds, remaining end of fiscal year funds, or funds allocated via the General Fund through the separate Budgeting for Outcomes (BFO) annual process.

### **G. Exceptions**

Rent Contribution and Historic Preservation funds will be appropriated through processes separate from the biennial Special Service Contract process and when deemed necessary by City Council or its designee.

The Service Contract Sub-Committee has the discretion as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to public service funding are at the discretion of the City Council.

Nothing in this policy shall create a binding contract or obligation of the City. Individual Service Contracts may vary from contract to contract at the discretion of the City Council. Any award of a service contract is valid only for the term specified therein and shall not constitute a promise of future award. The City Council reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Service Contract Sub-Committee, and any Advisory Board, Commission or special committee with the power to make recommendations regarding Public Service Contracts are ineligible to apply for such Public Service Contracts, including historic preservation funds. City Departments are also ineligible to apply for Public Service Contracts. The ineligibility of Advisory Board, Commission and special committee members shall only apply to the category of Public Service Contracts that such advisory Board, Commission and special committee provides recommendations to the City Council. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.