



# **Lehi City Council Meeting**

## **Agenda**

### **August 10, 2026**

**4:00 PM - Lehi City Council Chambers (131 N. 100 E., Lehi, Utah)**

1. Welcome and Opening Comment
2. Discussion Items
  - 2.1. Hazardous Waste Disposal Discussion- Blake Leonelli, Waste Management
  - 2.2. Lehi City PARC Tax Policy Review and Discussion
    - [Lehi City PARC Tax Policy - Original.pdf](#)
    - [PARC Tax Revisions - Redlined.pdf](#)
    - [PARC Tax Revisions - Non-Redlined.pdf](#)
  - 2.3. Lehi City Data Privacy Policy Review and Discussion
    - [Lehi City Privacy Program Policy DRAFT.pdf](#)
3. Adjournment
  - Public is invited to attend all open meetings
  - In compliance with the Americans with Disabilities Act, the City of Lehi will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 385-201-2269
  - This Agenda has been posted in accordance with Utah Code §§ 63G-30-102
  - Agendas may be amended up to 24 hours prior to a meeting
  - A Closed Meeting may be called to order pursuant to Utah Code §§ 52-4-204 & 52-4-205
  - The order of agenda items may change to accommodate the needs of the legislative body, staff, or the public
  - Electronic participation may be permitted for one or more members of the legislative body and staff

## **City Council Agenda Item Report**

Meeting Date: August 10, 2026

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Discussion

Agenda Section: Discussion Items

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### **Subject:**

Hazardous Waste Disposal Discussion- Blake Leonelli, Waste Management

### **Summary:**

Blake Leonelli from Waste Management is proposing a new program in Lehi for residents to dispose of hazardous waste. These items are prohibited from being placed in curbside containers. This program would result in Waste Management responding directly to residents to pick up hazardous waste. The fee for this service would be \$1 per month per account.

### **Attachments:**

## **City Council Agenda Item Report**

Meeting Date: August 10, 2026

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Discussion

Agenda Section: Discussion Items

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### **Subject:**

Lehi City PARC Tax Policy Review and Discussion

### **Summary:**

### **Attachments:**

[Lehi City PARC Tax Policy - Original.pdf](#)

[PARC Tax Revisions - Redlined.pdf](#)

[PARC Tax Revisions - Non-Redlined.pdf](#)

# Lehi City Parks, Arts, Recreation, & Culture PARC Program Guidelines



## Background

On November 2, 2021, a majority of Lehi City voters approved a 1/10th of 1% increase in the local sales and use tax as a means of enhancing funding for recreational and cultural facilities and cultural organizations within Lehi City. The Lehi City Council enacted the tax by ordinance on November 16, 2021, and the tax goes into effect April 1, 2022, and will be in effect through March 31, 2032.

Known as the Parks, Arts, Recreation, and Culture tax, hereafter, PARC, funds are to be used for eligible facilities and organizations consistent with the 2021 ballot proposition, Lehi City Code, and Utah Code Ann. 59-12-1401.

## Program Purpose

The purpose of the PARC program is to support recreational and cultural facilities and cultural organizations that enrich the overall quality of life for residents throughout Lehi City through the imposition, collection, and distribution of a 1/10th of 1% city sales and use tax. The PARC Program is committed to providing fair and equitable access to PARC funding through grant opportunities.

## 1. Policy

The Lehi City Council shall distribute the entire amount of revenues and interest collected as a result of the imposition of the sales and use tax known as the PARC tax in a manner consistent with the 2021 ballot proposition and Utah Code Ann. 59-12-1403, which allow for:

- 1.1. granting to one or more eligible organizations or facilities;
- 1.2. granting for an eligible facility located within the geographic area of entities that are party to an interlocal agreement; and,
- 1.3. retaining a portion of the tax collected, not to exceed 1.5%, for the cost of administering the PARC program.

## 2. Definitions

- 2.1. Administrative Unit – a division of a private nonprofit organization or institution that would, if it were a separate entity, be a cultural organization; and consistently maintains books and records separate from those of its parent organization.
- 2.2. Application Form – the documents specified by the PARC Program of Lehi City for use by entities and organizations which request funds pursuant to this Policy, including any required attachments and supporting documents.
- 2.3. Compilation Report – financial statement of an organization, prepared by a Utah licensed Certified Public Accountant.
- 2.4. Cultural Facility – any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- 2.5. Cultural Organization – a private nonprofit organization or institution having as its primary purpose the advancement and preservation of: (1) natural history; (2) art; (3) music; (4)

- theater; (5) dance; or (6) cultural arts, including literature, a motion picture, or storytelling; and an administrative unit. Cultural organization does not include any agency of the state; any political subdivision of the state; any educational institution whose annual revenues are directly derived more than 50% from state funds; or any radio or television broadcasting network or station, cable communications system, newspaper, or magazine.
- 2.6. Institution – an institution of higher education listed in Utah Code Ann. Subsection 53B-1-102(1)(a).
  - 2.7. Nonprofit – an organization or corporation that is certificated by the Internal revenue Service as an organization qualifying under § 501 (c) of the Internal Revenue code.
  - 2.8. Publicly Owned – owned by a governmental agency.
  - 2.9. Qualifying Facilities Expenses – capital development of recreational and cultural facilities.
  - 2.10. Qualifying Operating Expenses – this definition applies to cultural organizations. An organization’s total expenditures for ongoing operations for an identifiable fiscal year as documented by certified financial records (as allowed by Generally Accepted Accounting Principles, GAAP) less the following non-qualifying expenditures:
    - 2.10.1. Capital construction expenses, including capital acquisition, improvements to real property or depreciation of real property;
    - 2.10.2. Payments into an Endowment Corpus;
    - 2.10.3. Expenditures for programs conducted outside of Lehi City;
    - 2.10.4. Activities not available to the general public;
    - 2.10.5. Fundraising expenses related to capital or endowment campaigns;
    - 2.10.6. Repayments of loans and/or interest thereon;
    - 2.10.7. Expenditures for direct political lobbying on all levels;
    - 2.10.8. Grants – the distribution of funds to outside groups, institutions, organizations or other units;
    - 2.10.9. Bad Debt Expense;
    - 2.10.10. Depreciation and amortization of any asset;
    - 2.10.11. Non-deductible Tax penalties;
    - 2.10.12. Unrelated Business Income Tax – any operating expenses that are utilized in calculating federal unrelated business income tax; and,
    - 2.10.13. Cost of Goods Sold
    - 2.10.14. Other expenses not related to the organization’s primary cultural purpose.
  - 2.11. Qualifying Organization – a cultural organization as defined in Utah Code Ann. 59-12-702 that:
    - 2.11.1. maintains nonprofit status and meets the purpose of the statute; and,
    - 2.11.2. has a primary purpose that corresponds with the definitions for a cultural organization as described in the statute.
  - 2.12. Recreational Facility – any city-owned park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, recreation center, or other facility used for recreational purposes.
  - 2.13. Review – inquiry and analytical procedures applied to the financial statements of an organization, performed by a Utah licensed Certified Public Accountant.

### 3. General Guidelines

- 3.1. Funding for this program comes from sales tax revenues that are collected by the State of Utah and distributed to Lehi City. All funding shall be based on actual sales and use tax receipts as received, recorded, and reconciled by the City.
- 3.2. PARC tax revenue may only be used for capital development of government owned or operated recreational and cultural facilities, and for the ongoing operations of nonprofit cultural organizations.
- 3.3. PARC funds are not an entitlement and the filing of an application for funds, no matter how complete or comprehensive, is not a guarantee that any funds will be awarded. As such, it should be clearly understood that the award of PARC funds is a competitive grant and is awarded based on merit and availability of funds of which from year to year there is no guarantee. Grants are awarded as much as possible on objective factors. The Lehi City Council will make the final decision and have approval authority for all grant applications.
- 3.4. The Lehi City Council may choose to allocate a percentage of the funding to various classes of applications. This may be modified annually based on revenues available and the number of organizations that apply.
- 3.5. Applicants may apply in collaboration with other qualifying entities.
- 3.6. One granting round shall be made available each year.
- 3.7. Grant funds shall be spent within the fiscal year granted.
- 3.8. The fact that a project was previously qualified for funding does not guarantee that it is qualified for subsequent funding unless so authorized in the original grant.
- 3.9. The Lehi City Council may use unallocated or unexpended funds from one fiscal year in another fiscal year.
- 3.10. All organizations receiving PARC funding shall acknowledge the funding through signage, markers, programs, etc.

### 4. Recreational and Cultural Facilities Projects

- 4.1. All funded facilities must be located in Lehi City or within the boundaries of an inter-local agreement with Lehi City.
- 4.2. The Lehi City Council has sole discretion on determining which recreational and cultural facility projects to fund.

### 5. Cultural Organization Grants

- 5.1. Qualifying organizations must have a significant presence within Lehi City.
- 5.2. Private nonprofit organizations requesting grants must have received tax-exempt status from the Internal Revenue Service code 501(c). Proof of tax-exempt status must be provided.
- 5.3. Qualifying organizations must meet the definition of cultural organization.
- 5.4. The Lehi City Council has sole discretion on determining which cultural organization grants to fund.
- 5.5. PARC funds should not be the sole source of funding received by applicant organizations.
- 5.6. Priority will be given to organizations that can solicit and receive matching funds. Priority will be given to organizations that can demonstrate a strong connection to the community, have a substantial track record and show a stable history.

- 5.7. New cultural organizations may only receive a minimal amount, established by the Lehi City Council, until the organization can provide financial and evaluation reports to justify more substantial funding.
- 5.8. Qualifying organizations must have a stable financial history. Weak or negligent financial management could be grounds for exclusion.
- 5.9. Organizations applying for Major Grants of \$10,001 or more may be awarded up to 50% of their total qualifying operating expenses as defined in these policies and procedures.
  - 5.9.1. Organizations will not qualify to receive Major Grants of \$10,001 or more unless they demonstrate a significant presence in Lehi City. Priority will be given to organizations who manage and are located in Lehi City.
  - 5.9.2. Volunteer hours may be counted towards an organization's qualifying operating expenses so long as the volunteering was done with the purpose of advancing and preserving culture or arts. Volunteer hours shall be calculated at the hourly rate determined by the Independent Sector's most recent Value of Volunteer Time Report for the State of Utah and shall be included as part of the recorded qualifying operating expenses. Volunteer hours shall be documented and provided as a part of the application.
- 5.10. Organizations applying for Minor Grants may be awarded no greater than \$10,000 as defined in these policies and procedures.
  - 5.10.1. Organizations will not qualify to receive Minor Grants unless they have a significant presence in Lehi City. Preference will be given to applicants who manage and are located in Lehi City.
  - 5.10.2. Any applicant receiving \$10,001 or more in PARC grants, even if the \$10,001 threshold is reached through multiple Minor Grants, shall be treated as a Major Grant recipient and must comply with all rules and regulations related to Major Grants.
- 5.11. Qualifying organizations requesting amounts of \$10,001 or more shall be required to provide financial reports for their organizations prepared by a Utah licensed certified public accountant/firm according to the following schedule (subject to annual adjustment/indexing by the Lehi City Council):
  - 5.11.1. \$10,001 to \$99,999 – a compilation report for the most recently completed fiscal year;
  - 5.11.2. \$100,000 to \$499,999 – a review of the most recently completed fiscal year plus a compilation report for the previous two fiscal years;
  - 5.11.3. \$500,000 or more – a review for the most recently completed fiscal year and the two previous fiscal years.

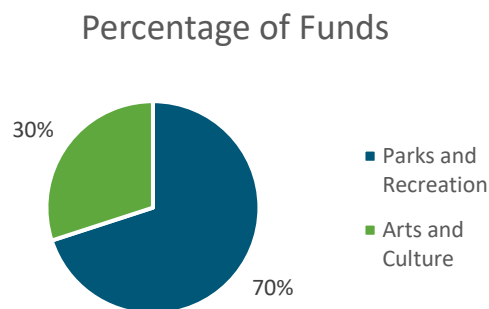
## 6. Parks, Arts, Recreation, and Culture (PARC) Advisory Committee Selection Process

- 6.1. According to Lehi City Code, the Mayor shall appoint, and the Lehi City Council approve, a Parks, Arts, Recreation, and Culture (PARC) Advisory Committee consisting of seven (7) voting members. Other nonvoting members of the committee may be appointed by the mayor as needed. The Committee shall consist of the following:
  - Two Lehi City staff members;
  - Five at-large positions made up of Lehi City residents

- 6.2. The at-large members shall serve a term of three years. The initial appointment of committee members will appoint two members for two-year terms and three members for three-year terms. This will ensure staggered appointments to provide continuity to the committee.
- 6.3. No member may serve more than three consecutive terms
- 6.4. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the remaining portion of the term.
- 6.5. The Mayor shall review all applications and present the name or names of potential committee members to the Lehi City Council for their approval.

## 7. Funding Decision Process

- 7.1. The PARC Advisory Committee shall review all grants and provide the Lehi City Council with recommendations on projects, needs, suggested funding areas, recommended grants, needed facilities, etc. The Lehi City Council will consider the recommendations and make the final determination in distributing the PARC funds.
- 7.2. The PARC Advisory Committee will evaluate all grant applications for eligibility on a broad spectrum of cultural arts disciplines including visual arts, performing arts, literary arts, historic preservation, arts education, etc.
- 7.3. Grant selection is competitive. The Lehi City Council will make the final decision and approval authority for all grant applications. In conformance with these policies and guidelines, the Lehi City Council reserves the right to award all or portions of requested grants or reject all or portions of any grants. Submittal of a grant application and/or award of grant is not a guarantee of future funding.
- 7.4. The fact that a project was previously qualified for funding does not guarantee that it will be qualified for subsequent funding unless so authorized in the original grant.
- 7.5. As established by the Lehi City Council, distribution for PARC tax allocation will be as follows:



## 8. Application Process

- 8.1. Applications for funding under Utah Code Ann. 59-12-1403, and these policies and procedures shall be provided by the PARC Program.
- 8.2. The PARC Program shall issue public notice detailing the date, time, and place of availability of application forms, deadline for filing completed applications for PARC funding and all Lehi City Council meeting dates for PARC grant consideration.
- 8.3. All requests for funds must be submitted on an official application provided by the Lehi City PARC Program.



- 8.4. An application must be accurate, complete and all supplemental information included. It is not the responsibility of PARC Program staff to contact the applicants regarding information missing from their application. In the interest of the program, staff may notify applicants of deficiencies. If this occurs all applicants shall be treated equitably and notified of similar deficiencies.
- 8.5. Applications, including all required attachments, must be submitted prior to the deadline identified within the body of the application. Applications received after the deadline will not be accepted.
- 8.6. Fiscal information within the application and required as attachments shall be reviewed for compliance with fiscal requirements of the PARC Program by the City's accounting staff prior to the Lehi City Council's consideration of qualifying organizations.
- 8.7. Qualifying applicants may be required to make a brief presentation and discuss the merits of their proposals with the PARC Advisory Committee. No additional materials will be accepted at these presentations unless requested by the committee.
- 8.8. The Lehi City Council will review the application and accompanying material and shall identify and approve qualifying applicants per Utah Code Ann. 59-12-701 and these policies and procedures.
- 8.9. The Lehi City Council shall make final determination as to the amount of program funds to be distributed to each organization based upon these policies and procedures and the application and accompanying information. The names of organizations and the amount of funds each is to receive shall be presented by the Lehi City Council at a public meeting.
- 8.10. The PARC Program shall provide notice to applicants regarding the Lehi City Council's decisions as soon as reasonably possible, including the amount each qualifying group shall receive based on verified expenditures; and which, if any, groups were disqualified or denied funding.

## 9. Distribution of Funds

- 9.1. Qualifying organizations will be required to enter into a contractual agreement with Lehi City prior to receiving funds. Said contracts shall include:
  - 9.1.1. A detailed planned use schedule of expenditures;
  - 9.1.2. A beginning and ending date for the project;
  - 9.1.3. Dates for required reporting, including interim reports as needed;
  - 9.1.4. A clause that allows Lehi City to verify application, evaluation report, and use of funds information if requested; and
  - 9.1.5. Consequences of the failure to use PARC funds as required.
- 9.2. Said contracts must be returned to the City prior to any distribution of PARC Tax funds to the entity or organization.
- 9.3. Funds under this program shall be disbursed based upon the City's fiscal year which runs July 1 through June 30 of the following calendar year.

## 10. Credit to the PARC Program

- 10.1. Each recipient organization shall use their best efforts to ensure that all brochures, news releases, programs, publications, and other printed material bear the PARC logo, identifying an organization's use of PARC funding where projects, performances or other activities are funded in full or in part by the Lehi City PARC Program.
- 10.2. The PARC logo should not be reproduced smaller than 1 inch by 1.25 inches in size.

- 10.3. Recipients of PARC funding that provide waived or discounted admission must publicly announce (in some manner) that the event or activity has been sponsored by the Lehi City PARC Program.

## 11. Reporting Requirements

- 11.1. Each recipient shall be required to submit an evaluation report detailing how it expended the funds it received pursuant to these policies and procedures.
- 11.2. Interim reports may also be required as specified in the contract with Lehi City.
- 11.3. Deadlines for submission of all reports shall be specified in the contract with Lehi City.
- 11.4. Future PARC funding may be withheld due to inadequate, incomplete, or non-submitted reports.

# Lehi City Parks, Arts, Recreation, & Culture PARC Program Guidelines

**Revised**



## Background

On November 2, 2021, a majority of Lehi City voters approved a ~~1/10th of 1% increase~~ 0.1% (one cent per \$10 spent) in ~~the local sales and use tax as a means of enhancing funding for recreational and cultural facilities and cultural organizations within Lehi City~~ to enhance funding for recreational amenities, park facilities, cultural facilities, and arts facilities and organizations within Lehi City. The ballot proposition specified that the tax would be imposed on purchases within Lehi City, regardless of the purchaser's place of residence.

The proposition further outlined that PARC funding may be used for both capital improvements and operations of publicly owned or operated amenities, including but not limited to parks, playing fields and courts, park amenities, visual and performing art facilities, cultural facilities, and trails and bike paths. Additionally, funding may be used to support city and nonprofit organizations that provide cultural and arts programming, including but not limited to youth groups, museums, theater groups, festivals, heritage initiatives, and other arts and cultural programs.

The Lehi City Council enacted the tax by ordinance on November 16, 2021, and the tax ~~goes into~~ took effect April 1, 2022, and will ~~be in~~ remain in effect through March 31, 2032.

Known as the Parks, Arts, Recreation, and Culture (PARC) tax, ~~hereafter, PARC,~~ all funds collected are ~~to~~ shall be used for eligible facilities and organizations consistent with the approved 2021 ballot proposition, Lehi City Code, and Utah Code Ann. 59-12-1401.

## Program Purpose

The purpose of the PARC Program is to provide funding for City recreational parks and facilities, as well as the Community Grant program. The Community Grant Program is to support recreational and cultural facilities and cultural organizations that ~~enrich the overall~~ enhance the quality of life for residents throughout Lehi City. Funding for the program is derived from the collection through the imposition, collection, and distribution of a 1/10th of 10.1% local city sales and use tax authorized by voters.

The allocation of PARC tax revenues between City parks and recreational facilities and the PARC Community Grant Program shall be determined by the Lehi City Council. Currently, the City Council has established a distribution of 70% for City parks and recreational facilities and 30% for the PARC Community Grant Program.

This policy establishes guidelines governing both uses of PARC funds. –The PARC Community Grant Program is committed to ~~providing~~ ensuring fair and equitable access to PARC funding through transparent and competitive grant opportunities.

## 1. Policy

This Policy is intended to provide guidance for the administration and allocation of PARC Tax revenues. Nothing in this Policy shall be construed to limit the legislative authority of the Lehi City Council. Consistent with Utah Code § 59-12-1403 and the Lehi City Code, the City Council retains final authority to determine the allocation and distribution of PARC Tax revenues.

The Lehi City Council shall ~~distribute-allocate the entire amount of all~~ revenues and interest collected ~~from as a~~

~~result of the imposition of the local~~ sales and use tax, known as the PARC tax, in ~~a manner consistent accordance~~

with the 2021 ballot proposition and Utah Code Ann. 59-12--1403, PARC tax revenues may be used which allow for the following:

- 1.1. ~~granting to one or more eligible organizations or facilities;~~ To fund capital improvements and operations of publicly owned and operated amenities such as parks, playing fields and courts, park amenities, visual and performing art facilities, cultural facilities, and trails and bike paths.
- 1.2. ~~To provide grants to private nonprofit cultural organizations operating in Lehi whose primary purpose is the advancement or preservation of natural history, arts, music, theater, dance, literature, heritage, a motion picture, storytelling, or other cultural art or event. granting for an eligible facility located within the geographic area of entities that are~~
- 1.2. ~~party to an interlocal agreement; and,~~
- 1.3. ~~A retaining a~~ portion of the tax collected, not to exceed 1.5%, may be retained for the cost of
- 1.3. ~~administering the PARC Community Grant p~~Program.

## 2. Definitions

- 2.1. Administrative Unit – a division of a private nonprofit organization or institution that would, if it were a separate entity, be a cultural organization; and consistently maintains books and records separate from those of its parent organization.
- 2.2. Application Form – the documents specified by the PARC Program of Lehi City for use by entities and organizations which request funds pursuant to this Policy, including any required attachments and supporting documents.
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  - 2.10.2. Payments into an Endowment Corpus;
  - 2.10.3. Expenditures for programs conducted outside of Lehi City;
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  - 2.10.12. Unrelated Business Income Tax – any operating expenses that are utilized in calculating federal unrelated business income tax; and,
  - 2.10.13. Cost of Goods Sold
  - 2.10.14. Other expenses not related to the organization’s primary cultural purpose.
- 2.11. Qualifying Organization – a cultural organization as defined in Utah Code Ann. 59-12-702 that:
  - 2.11.1. maintains nonprofit status and meets the purpose of the statute; and,
  - 2.11.2. has a primary purpose that corresponds with the definitions for a cultural organization as described in the statute.
- 2.12. Recreational Facility – any city-owned park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, recreation center, or other facility used for recreational purposes.
- 2.13. Review – inquiry and analytical procedures applied to the financial statements of an organization, performed by a Utah licensed Certified Public Accountant.

### 3. General Guidelines

- 3.1. Funding for this program comes from local sales and use tax revenues that are collected by the State of Utah and distributed to Lehi City. All funding shall be based on actual sales and use tax receipts as received, recorded, and reconciled by the City.
- 3.2. PARC tax revenue may only be used for capital development of government owned or operated recreational and cultural facilities, and for the ongoing operations of nonprofit cultural organizations.
- 3.3. PARC funds are not an entitlement and the filing of an application for funds, no matter how complete or comprehensive, is not a guarantee that any funds will be awarded. As such, it should be clearly understood that the award of PARC funds is a competitive grant and is

awarded based on merit and availability of funds of which from year to year there is no guarantee. Grants are awarded as much as possible on objective factors. The Lehi City Council will make the final decision and have approval authority for all grant applications.

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- 3.5. Applicants may apply in collaboration with other qualifying entities.
- 3.6. One granting round shall be made available each year.
- 3.7. Grant funds shall be spent within the fiscal year granted.
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- 3.10. All organizations receiving PARC funding shall acknowledge the funding through signage, markers, programs, etc.

#### 4. Recreational and Cultural Facilities Projects

- 4.1. All funded facilities must be located in Lehi City or within the boundaries of an inter-local agreement with Lehi City.
- 4.2. The Lehi City Council has sole discretion on determining which recreational and cultural facility projects to fund.

#### 5. Cultural Organization Grants

- 5.1. Qualifying organizations must have a significant presence within Lehi City. “Significant presence” means that a qualifying organization is headquartered or maintains its principal place of business in Lehi City and conducts a substantial and continuous portion of its operations, programming, or services within Lehi for the benefit of Lehi residents.
- 5.2. Private nonprofit organizations requesting grants must have received tax-exempt status from the Internal Revenue Service code 501(c). Proof of tax-exempt status must be provided.
- 5.3. Qualifying organizations must meet the definition of a cultural organization.
- 5.4. The Lehi City Council has sole discretion on determining which cultural organization grants to fund.
- 5.5. ~~PARC funds should not be the sole source of funding received by applicant organizations.~~ Applicant organizations must demonstrate that PARC funding is not their sole source of financial support and shall identify other existing or anticipated revenue sources that contribute to the sustainability of their programs and operations.
- 5.6. Priority will be given to organizations that can solicit and receive matching funds. Priority will be given to organizations that can demonstrate a strong connection to the community, have a substantial track record and show a stable history.
- 5.7. New cultural organizations may only receive a minimal amount, established by the Lehi City Council, until the organization can provide financial and evaluation reports to justify more substantial funding.

- 5.8. Qualifying organizations must have a stable financial history. Weak or negligent financial management could be grounds for exclusion.
- 5.9. Organizations applying for Major Grants of \$10,001 or more may be awarded up to 50% of their total qualifying operating expenses as defined in these policies and procedures.
  - 5.9.1. Organizations will not qualify to receive Major Grants of \$10,001 or more unless they demonstrate a significant presence in Lehi City. ~~Priority will be given to organizations who manage and are located in Lehi City.~~
  - 5.9.2. Volunteer hours may be counted towards an organization's qualifying operating expenses so long as the volunteering was done with the purpose of advancing and preserving culture or arts. Volunteer hours shall be calculated at the hourly rate determined by the ~~Independent~~Independent Sector's most recent Value of Volunteer Time Report for the State of Utah and shall be included as part of the recorded qualifying operating expenses. Volunteer hours shall be documented and provided as a part of the application.
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  - 5.10.2. Any applicant receiving \$10,001 or more in PARC grants, even if the \$10,001 threshold is reached through multiple Minor Grants, shall be treated as a Major Grant recipient and must comply with all rules and regulations related to Major Grants.
- 5.11. Qualifying organizations requesting amounts of \$10,001 or more shall be required to provide financial reports for their organizations prepared by a Utah licensed certified public accountant/firm according to the following schedule (subject to annual adjustment/indexing by the Lehi City Council):
  - 5.11.1. \$10,001 to \$99,999 – a compilation report for the most recently completed fiscal year;
  - 5.11.2. \$100,000 to \$499,999 – a review of the most recently completed fiscal year plus a compilation report for the previous two fiscal years;
  - 5.11.3. \$500,000 or more – a review for the most recently completed fiscal year and the two previous fiscal years.

## 6. Parks, Arts, Recreation, and Culture (PARC) Advisory Committee Selection Process

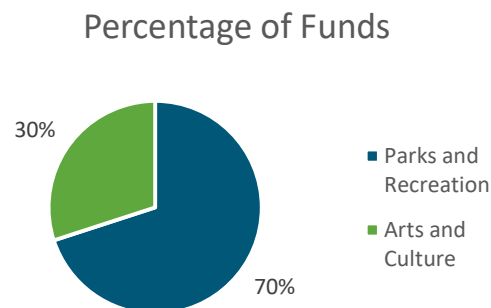
- 6.1. According to Lehi City Code, the Mayor shall appoint, and the Lehi City Council approve, a Parks, Arts, Recreation, and Culture (PARC) Advisory Committee consisting of seven (7) voting members. Other nonvoting members of the committee may be appointed by the mayor as needed. The Committee shall consist of the following:
  - Two Lehi City staff members;
  - Five at-large positions made up of Lehi City residents
- 6.2. The at-large members shall serve a term of three years. The initial appointment of committee members will appoint two members for two-year terms and three members for

three-year terms. This will ensure staggered appointments to provide continuity to the committee.

- 6.3. No member may serve more than three consecutive terms
- 6.4. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the remaining portion of the term.
- 6.5. The Mayor shall review all applications and present the name or names of potential committee members to the Lehi City Council for their approval.

## 7. Funding Decision Process

- 7.1. The PARC Advisory Committee shall review all grants and provide the Lehi City Council with recommendations on projects, needs, suggested funding areas, recommended grants, needed facilities, etc. The Lehi City Council will consider the recommendations and make the final determination in distributing the PARC funds.
- 7.2. The PARC Advisory Committee will evaluate all grant applications for eligibility on a broad spectrum of cultural arts disciplines including visual arts, performing arts, literary arts, historic preservation, arts education, etc.
- 7.3. Grant selection is competitive. The Lehi City Council will make the final decision and approval authority for all grant applications. In conformance with these policies and guidelines, the Lehi City Council reserves the right to award all or portions of requested grants or reject all or portions of any grants. Submittal of a grant application and/or award of grant is not a guarantee of future funding.
- 7.4. The fact that a project was previously qualified for funding does not guarantee that it will be qualified for subsequent funding unless so authorized in the original grant.
- 7.5. As established by the Lehi City Council, distribution for PARC tax allocation will be as follows:



## 8. Application Process

- 8.1. Applications for funding under Utah Code Ann. 59-12-1403, and these policies and procedures shall be provided by the PARC Program.
- 8.2. The PARC Program shall issue public notice detailing the date, time, and place of availability of application forms, deadline for filing completed applications for PARC funding and all Lehi City Council meeting dates for PARC grant consideration.
- 8.3. All requests for funds must be submitted on an official application provided by the Lehi City PARC Program.
- 8.4. An application must be accurate, complete and all supplemental information included. It is not the responsibility of PARC Program staff to contact the applicants regarding information missing from their application. In the interest of the program, staff may notify



applicants of deficiencies. If this occurs all applicants shall be treated equitably and notified of similar deficiencies.

- 8.5. Applications, including all required attachments, must be submitted prior to the deadline identified within the body of the application. Applications received after the deadline will not be accepted.
- 8.6. Fiscal information within the application and required ~~as~~ attachments shall be reviewed for compliance with fiscal requirements of the PARC Program by the City's ~~accounting~~ staff prior to the Lehi City Council's consideration of qualifying organizations.
- 8.7. Qualifying applicants may be required to make a brief presentation and discuss the merits of their proposals with the PARC Advisory Committee. No additional materials will be accepted at these presentations unless requested by the committee.
- 8.8. The Lehi City Council will review the application and accompanying material and shall identify and approve qualifying applicants per Utah Code Ann. 59-12-701 and these policies and procedures.
- 8.9. The Lehi City Council shall make final determination as to the amount of program funds to be distributed to each organization based upon these policies and procedures and the application and accompanying information. The names of organizations and the amount of funds each is to receive shall be presented by the Lehi City Council at a public meeting.
- 8.10. The PARC Program shall provide notice to applicants regarding the Lehi City Council's decisions as soon as reasonably possible, including the amount each qualifying group shall receive based on verified expenditures; and which, if any, groups were disqualified or denied funding.

## 9. Distribution of Funds

- 9.1. Qualifying organizations will be required to enter into a contractual agreement with Lehi City prior to receiving funds. Said contracts shall include:
  - 9.1.1. A detailed planned use schedule of expenditures;
  - 9.1.2. A beginning and ending date for the project;
  - 9.1.3. Dates for required reporting, including interim reports as needed;
  - 9.1.4. A clause that allows Lehi City to verify application, evaluation report, and use of funds information if requested; and
  - 9.1.5. Consequences of the failure to use PARC funds as required.
- 9.2. Said contracts must be returned to the City prior to any distribution of PARC Tax funds to the entity or organization.
- 9.3. Funds under this program shall be disbursed based upon the City's fiscal year which runs July 1 through June 30 of the following calendar year.

## 10. Credit to the PARC Program

- 10.1. Each recipient organization shall use their best efforts to ensure that all brochures, news releases, programs, publications, and other printed material bear the PARC logo, identifying an organization's use of PARC funding where projects, performances or other activities are funded in full or in part by the Lehi City PARC Program.
- 10.2. The PARC logo should not be reproduced smaller than 1 inch by 1.25 inches in size.
- 10.3. Recipients of PARC funding that provide waived or discounted admission must publicly announce (in some manner) that the event or activity has been sponsored by the Lehi City PARC Program.

## 11. Reporting Requirements

- 11.1. Each recipient shall be required to submit an evaluation report detailing how it expended the funds it received pursuant to these policies and procedures.
- 11.2. Interim reports may also be required as specified in the contract with Lehi City.
- 11.3. Deadlines for submission of all reports shall be specified in the contract with Lehi City.
- 11.4. Future PARC funding may be withheld due to inadequate, incomplete, or non-submitted reports.

## **Lehi City Parks, Arts, Recreation, & Culture PARC Program Guidelines**



### **Background**

On November 2, 2021, a majority of Lehi City voters approved a 0.1% (one cent per \$10 spent) in local sales and use tax to enhance funding for recreational amenities, park facilities, cultural facilities, and arts facilities and organizations within Lehi City. The ballot proposition specified that the tax would be imposed on purchases within Lehi City, regardless of the purchaser's place of residence.

The proposition further outlined that PARC funding may be used for both capital improvements and operations of publicly owned or operated amenities, including but not limited to parks, playing fields and courts, park amenities, visual and performing art facilities, cultural facilities, and trails and bike paths. Additionally, funding may be used to support city and nonprofit organizations that provide cultural and arts programming, including but not limited to youth groups, museums, theater groups, festivals, heritage initiatives, and other arts and cultural programs.

The Lehi City Council enacted the tax by ordinance on November 16, 2021, and the tax took effect April 1, 2022, and will remain in effect through March 31, 2032.

Known as the Parks, Arts, Recreation, and Culture (PARC) tax, all funds collected shall be used for eligible facilities and organizations consistent with the approved 2021 ballot proposition, Lehi City Code, and Utah Code Ann. 59-12-1401.

### **Program Purpose**

The purpose of the PARC Program is to provide funding for City recreational parks and facilities, as well as the Community Grant Program. The Community Grant Program supports cultural facilities and organizations that enhance the quality of life for residents throughout Lehi City. Funding for the program is derived from the collection of a 0.1% local sales and use tax authorized by voters.

The allocation of PARC tax revenues between City parks and recreational facilities and the PARC Community Grant Program shall be determined by the Lehi City Council. Currently, the City Council has established a distribution of 70% for City parks and recreational facilities and 30% for the PARC Community Grant Program.

This policy establishes guidelines governing both uses of PARC funds. The PARC Community Grant Program is committed to ensuring fair and equitable access to PARC funding through transparent and competitive grant opportunities.

### **1. Policy**

This Policy is intended to provide guidance for the administration and allocation of PARC Tax revenues. Nothing in this Policy shall be construed to limit the legislative authority of the Lehi City Council.

Consistent with Utah Code § 59-12-1403 and the Lehi City Code, the City Council retains final authority to determine the allocation and distribution of PARC Tax revenues.

The Lehi City Council shall allocate all revenues and interest collected from the local sales and use tax, known as the PARC tax, in accordance with the 2021 ballot proposition and Utah Code Ann. 59-12-1403. PARC tax revenues may be used for the following:

- 1.1. To fund capital improvements and operations of publicly owned and operated amenities such as parks, playing fields and courts, park amenities, visual and performing art facilities, cultural facilities, and trails and bike paths.
- 1.2. To provide grants to private nonprofit cultural organizations operating in Lehi whose primary purpose is the advancement or preservation of natural history, arts, music, theater, dance, literature, heritage, a motion picture, storytelling, or other cultural art or event.
- 1.3. A portion of the tax collected, not to exceed 1.5%, may be retained for the cost of administering the PARC Community Grant Program.

## 2. Definitions

- 2.1. Administrative Unit – a division of a private nonprofit organization or institution that would, if it were a separate entity, be a cultural organization; and consistently maintains books and records separate from those of its parent organization.
- 2.2. Application Form – the documents specified by the PARC Program of Lehi City for use by entities and organizations which request funds pursuant to this Policy, including any required attachments and supporting documents.
- 2.3. Compilation Report – financial statement of an organization, prepared by a Utah licensed Certified Public Accountant.
- 2.4. Cultural Facility – any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.
- 2.5. Cultural Organization – a private nonprofit organization or institution having as its primary purpose the advancement and preservation of: (1) natural history; (2) art; (3) music; (4) theater; (5) dance; or (6) cultural arts, including literature, a motion picture, or storytelling; and an administrative unit. Cultural organization does not include any agency of the state; any political subdivision of the state; any educational institution whose annual revenues are directly derived more than 50% from state funds; or any radio or television broadcasting network or station, cable communications system, newspaper, or magazine.
- 2.6. Institution – an institution of higher education listed in Utah Code Ann. Subsection 53B-1-102(1)(a).
- 2.7. Nonprofit – an organization or corporation that is certificated by the Internal revenue Service as an organization qualifying under § 501 (c) of the Internal Revenue code.
- 2.8. Publicly Owned – owned by a governmental agency.
- 2.9. Qualifying Facilities Expenses – capital development of recreational and cultural facilities.
- 2.10. Qualifying Operating Expenses – this definition applies to cultural organizations. An organization's total expenditures for ongoing operations for an identifiable fiscal year as documented by certified financial records (as allowed by Generally Accepted Accounting Principles, GAAP) less the following non-qualifying expenditures:
  - 2.10.1. Capital construction expenses, including capital acquisition, improvements to real property or depreciation of real property;
  - 2.10.2. Payments into an Endowment Corpus;
  - 2.10.3. Expenditures for programs conducted outside of Lehi City;

- 2.10.4. Activities not available to the general public;
- 2.10.5. Fundraising expenses related to capital or endowment campaigns;
- 2.10.6. Repayments of loans and/or interest thereon;
- 2.10.7. Expenditures for direct political lobbying on all levels;
- 2.10.8. Grants – the distribution of funds to outside groups, institutions, organizations or other units;
- 2.10.9. Bad Debt Expense;
- 2.10.10. Depreciation and amortization of any asset;
- 2.10.11. Non-deductible Tax penalties;
- 2.10.12. Unrelated Business Income Tax – any operating expenses that are utilized in calculating federal unrelated business income tax; and,
- 2.10.13. Cost of Goods Sold
- 2.10.14. Other expenses not related to the organization’s primary cultural purpose.
- 2.11. Qualifying Organization – a cultural organization as defined in Utah Code Ann. 59-12-702 that:
  - 2.11.1. maintains nonprofit status and meets the purpose of the statute; and,
  - 2.11.2. has a primary purpose that corresponds with the definitions for a cultural organization as described in the statute.
- 2.12. Recreational Facility – any city-owned park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, recreation center, or other facility used for recreational purposes.
- 2.13. Review – inquiry and analytical procedures applied to the financial statements of an organization, performed by a Utah licensed Certified Public Accountant.

### 3. General Guidelines

- 3.1. Funding for this program comes from local sales and use tax revenues that are collected by the State of Utah and distributed to Lehi City. All funding shall be based on actual sales and use tax receipts as received, recorded, and reconciled by the City.
- 3.2. PARC tax revenue may only be used for capital development of government owned or operated recreational and cultural facilities, and for the ongoing operations of nonprofit cultural organizations.
- 3.3. PARC funds are not an entitlement and the filing of an application for funds, no matter how complete or comprehensive, is not a guarantee that any funds will be awarded. As such, it should be clearly understood that the award of PARC funds is a competitive grant and is awarded based on merit and availability of funds of which from year to year there is no guarantee. Grants are awarded as much as possible on objective factors. The Lehi City Council will make the final decision and have approval authority for all grant applications.
- 3.4. The Lehi City Council may choose to allocate a percentage of the funding to various classes of applications. This may be modified annually based on revenues available and the number of organizations that apply.
- 3.5. Applicants may apply in collaboration with other qualifying entities.
- 3.6. One granting round shall be made available each year.
- 3.7. Grant funds shall be spent within the fiscal year granted.

- 3.8. The fact that a project was previously qualified for funding does not guarantee that it is qualified for subsequent funding unless so authorized in the original grant.
- 3.9. The Lehi City Council may use unallocated or unexpended funds from one fiscal year in another fiscal year.
- 3.10. All organizations receiving PARC funding shall acknowledge the funding through signage, markers, programs, etc.

#### 4. Recreational and Cultural Facilities Projects

- 4.1. All funded facilities must be located in Lehi City or within the boundaries of an inter-local agreement with Lehi City.
- 4.2. The Lehi City Council has sole discretion on determining which recreational and cultural facility projects to fund.

#### 5. Cultural Organization Grants

- 5.1. Qualifying organizations must have a significant presence within Lehi City. "Significant presence" means that a qualifying organization is headquartered or maintains its principal place of business in Lehi City and conducts a substantial and continuous portion of its operations, programming, or services within Lehi for the benefit of Lehi residents.
- 5.2. Private nonprofit organizations requesting grants must have received tax-exempt status from the Internal Revenue Service code 501(c). Proof of tax-exempt status must be provided.
- 5.3. Qualifying organizations must meet the definition of a cultural organization.
- 5.4. The Lehi City Council has sole discretion on determining which cultural organization grants to fund.
- 5.5. Applicant organizations must demonstrate that PARC funding is not their sole source of financial support and shall identify other existing or anticipated revenue sources that contribute to the sustainability of their programs and operations.
- 5.6. Priority will be given to organizations that can solicit and receive matching funds. Priority will be given to organizations that can demonstrate a strong connection to the community, have a substantial track record and show a stable history.
- 5.7. New cultural organizations may only receive a minimal amount, established by the Lehi City Council, until the organization can provide financial and evaluation reports to justify more substantial funding.
- 5.8. Qualifying organizations must have a stable financial history. Weak or negligent financial management could be grounds for exclusion.
- 5.9. Organizations applying for Major Grants of \$10,001 or more may be awarded up to 50% of their total qualifying operating expenses as defined in these policies and procedures.
  - 5.9.1. Organizations will not qualify to receive Major Grants of \$10,001 or more unless they demonstrate a significant presence in Lehi City.
  - 5.9.2. Volunteer hours may be counted towards an organization's qualifying operating expenses so long as the volunteering was done with the purpose of advancing and preserving culture or arts. Volunteer hours shall be calculated at the hourly rate determined by the Independent Sector's most recent Value of Volunteer Time Report for the State of Utah and shall be included as part of the recorded

qualifying operating expenses. Volunteer hours shall be documented and provided as a part of the application.

- 5.10. Organizations applying for Minor Grants may be awarded no greater than \$10,000 as defined in these policies and procedures.
  - 5.10.1. Organizations will not qualify to receive Minor Grants unless they have a significant presence in Lehi City.
  - 5.10.2. Any applicant receiving \$10,001 or more in PARC grants, even if the \$10,001 threshold is reached through multiple Minor Grants, shall be treated as a Major Grant recipient and must comply with all rules and regulations related to Major Grants.
- 5.11. Qualifying organizations requesting amounts of \$10,001 or more shall be required to provide financial reports for their organizations prepared by a Utah licensed certified public accountant/firm according to the following schedule (subject to annual adjustment/indexing by the Lehi City Council):
  - 5.11.1. \$10,001 to \$99,999 – a compilation report for the most recently completed fiscal year;
  - 5.11.2. \$100,000 to \$499,999 – a review of the most recently completed fiscal year plus a compilation report for the previous two fiscal years;
  - 5.11.3. \$500,000 or more – a review for the most recently completed fiscal year and the two previous fiscal years.

## 6. Parks, Arts, Recreation, and Culture (PARC) Advisory Committee Selection Process

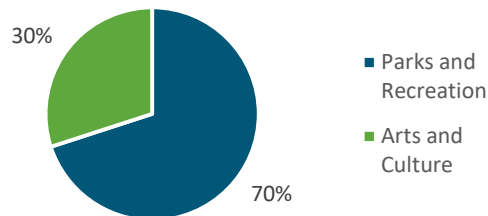
- 6.1. According to Lehi City Code, the Mayor shall appoint, and the Lehi City Council approve, a Parks, Arts, Recreation, and Culture (PARC) Advisory Committee consisting of seven (7) voting members. Other nonvoting members of the committee may be appointed by the mayor as needed. The Committee shall consist of the following:
  - Two Lehi City staff members;
  - Five at-large positions made up of Lehi City residents
- 6.2. The at-large members shall serve a term of three years. The initial appointment of committee members will appoint two members for two-year terms and three members for three-year terms. This will ensure staggered appointments to provide continuity to the committee.
- 6.3. No member may serve more than three consecutive terms
- 6.4. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the remaining portion of the term.
- 6.5. The Mayor shall review all applications and present the name or names of potential committee members to the Lehi City Council for their approval.

## 7. Funding Decision Process

- 7.1. The PARC Advisory Committee shall review all grants and provide the Lehi City Council with recommendations on projects, needs, suggested funding areas, recommended grants, needed facilities, etc. The Lehi City Council will consider the recommendations and make the final determination in distributing the PARC funds.

- 7.2. The PARC Advisory Committee will evaluate all grant applications for eligibility on a broad spectrum of cultural arts disciplines including visual arts, performing arts, literary arts, historic preservation, arts education, etc.
- 7.3. Grant selection is competitive. The Lehi City Council will make the final decision and approval authority for all grant applications. In conformance with these policies and guidelines, the Lehi City Council reserves the right to award all or portions of requested grants or reject all or portions of any grants. Submittal of a grant application and/or award of grant is not a guarantee of future funding.
- 7.4. The fact that a project was previously qualified for funding does not guarantee that it will be qualified for subsequent funding unless so authorized in the original grant.
- 7.5. As established by the Lehi City Council, distribution for PARC tax allocation will be as follows:

Percentage of Funds



## 8. Application Process

- 8.1. Applications for funding under Utah Code Ann. 59-12-1403, and these policies and procedures shall be provided by the PARC Program.
- 8.2. The PARC Program shall issue public notice detailing the date, time, and place of availability of application forms, deadline for filing completed applications for PARC funding and all Lehi City Council meeting dates for PARC grant consideration.
- 8.3. All requests for funds must be submitted on an official application provided by the Lehi City PARC Program.
- 8.4. An application must be accurate, complete and all supplemental information included. It is not the responsibility of PARC Program staff to contact the applicants regarding information missing from their application. In the interest of the program, staff may notify applicants of deficiencies. If this occurs all applicants shall be treated equitably and notified of similar deficiencies.
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- 8.6. Fiscal information within the application and required attachments shall be reviewed for compliance with fiscal requirements of the PARC Program by the City's staff prior to the Lehi City Council's consideration of qualifying organizations.
- 8.7. Qualifying applicants may be required to make a brief presentation and discuss the merits of their proposals with the PARC Advisory Committee. No additional materials will be accepted at these presentations unless requested by the committee.



- 8.8. The Lehi City Council will review the application and accompanying material and shall identify and approve qualifying applicants per Utah Code Ann. 59-12-701 and these policies and procedures.
- 8.9. The Lehi City Council shall make final determination as to the amount of program funds to be distributed to each organization based upon these policies and procedures and the application and accompanying information. The names of organizations and the amount of funds each is to receive shall be presented by the Lehi City Council at a public meeting.
- 8.10. The PARC Program shall provide notice to applicants regarding the Lehi City Council's decisions as soon as reasonably possible, including the amount each qualifying group shall receive based on verified expenditures; and which, if any, groups were disqualified or denied funding.

## 9. Distribution of Funds

- 9.1. Qualifying organizations will be required to enter into a contractual agreement with Lehi City prior to receiving funds. Said contracts shall include:
  - 9.1.1. A detailed planned use schedule of expenditures;
  - 9.1.2. A beginning and ending date for the project;
  - 9.1.3. Dates for required reporting, including interim reports as needed;
  - 9.1.4. A clause that allows Lehi City to verify application, evaluation report, and use of funds information if requested; and
  - 9.1.5. Consequences of the failure to use PARC funds as required.
- 9.2. Said contracts must be returned to the City prior to any distribution of PARC Tax funds to the entity or organization.
- 9.3. Funds under this program shall be disbursed based upon the City's fiscal year which runs July 1 through June 30 of the following calendar year.

## 10. Credit to the PARC Program

- 10.1. Each recipient organization shall use their best efforts to ensure that all brochures, news releases, programs, publications, and other printed material bear the PARC logo, identifying an organization's use of PARC funding where projects, performances or other activities are funded in full or in part by the Lehi City PARC Program.
- 10.2. The PARC logo should not be reproduced smaller than 1 inch by 1.25 inches in size.
- 10.3. Recipients of PARC funding that provide waived or discounted admission must publicly announce (in some manner) that the event or activity has been sponsored by the Lehi City PARC Program.

## 11. Reporting Requirements

- 11.1. Each recipient shall be required to submit an evaluation report detailing how it expended the funds it received pursuant to these policies and procedures.
- 11.2. Interim reports may also be required as specified in the contract with Lehi City.
- 11.3. Deadlines for submission of all reports shall be specified in the contract with Lehi City.
- 11.4. Future PARC funding may be withheld due to inadequate, incomplete, or non-submitted reports.

## **City Council Agenda Item Report**

Meeting Date: August 10, 2026

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Discussion

Agenda Section: Discussion Items

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### **Subject:**

Lehi City Data Privacy Policy Review and Discussion

### **Summary:**

### **Attachments:**

[Lehi City Privacy Program Policy DRAFT.pdf](#)

## Lehi City Corporation

# Lehi City Privacy Program Policy

[POLICY NUMBER]

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Effective Date:

Approved By: Lehi City Council

### REFERENCES/AUTHORITY:

Division of Archives and Records Services (DARS) at [Utah Code § 63A-12-100 et seq.](#);

Government Data Privacy Act (GDPA) at [Utah Code § 63A-19-101 et seq.](#);

Government Records Access and Management Act (GRAMA) at [Utah Code § 63G-2-101 et seq.](#)

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## 1. PURPOSE

This policy serves to document Lehi City's privacy program, which includes the City's policies, practices, and procedures for the processing of personal data in accordance with [Utah Code § 63A-19-401\(2\)\(a\)](#), and which aligns with the records management and data governance requirements provided in both GRAMA and DARS.

## 2. GUIDING PRINCIPLES

This policy consolidates privacy practices, outlines governance roles and responsibilities, and ensures compliance with generally applicable records management, data protection, and data privacy obligations. It is designed to safeguard individual privacy rights, promote transparency, maintain the integrity and security of personal data, and ensure accountability across Lehi City. This policy is meant to guide further alignment of the City with the State Data Privacy Policy as detailed in [Utah Code § 63A-19-102](#).

## 3. SCOPE

This policy applies to all City employees involved in the management, creation, and maintenance of records or who have access to personal data as part of their job duties. This policy also applies to all contractors of the City that process or have access to personal data as a part of the contractor's duties under an agreement with the City pursuant to [Utah Code § 63A-19-401\(4\)](#).

## 4. DEFINITIONS

"Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under [Subsection § 63G-2-201\(3\)\(b\)](#).<sup>1</sup>

"Cookie" means "Technology that records a user's information and activity when the user accesses websites. Cookies are used by website owners, third parties, and sometimes threat actors to gather user data."<sup>2</sup>

"Data breach" means— the unauthorized access, acquisition, disclosure, loss of access, or destruction of personal data held by a governmental entity, unless the governmental entity concludes, according to standards established by the Cyber Center, that there is a low probability that personal data has been compromised."<sup>3</sup>

"Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.<sup>4</sup>

"Device fingerprinting" means collecting attributes of a user's device configurations to create a trackable profile for the device.

"Individual" means a human being.<sup>5</sup>

"Key logger" means "a program designed to record which keys are pressed on a computer keyboard..."<sup>6</sup>

"Personal data" means information that is linked or can be reasonably linked to an identified individual or an identifiable individual.<sup>7</sup>

"Processing activity" means any operation or set of operations performed on personal data, including collection, recording, organization, structuring, storage, adaptation, alteration, access, retrieval, consultation, use, disclosure by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or destruction.<sup>8</sup>

"Record" means the same as that term is defined at [Utah Code § 63G-2-103\(25\)](#).<sup>9</sup>

"Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.<sup>10</sup>

"Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.<sup>11</sup>

"Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.<sup>12</sup>

## **5. GOVERNANCE**

### **5.1. Chief Administrative Officers (CAOs)**

- A. The City Administrator shall designate one or more individuals to serve as a chief administrative officer (CAO) of the City in fulfilling the duties outlined in [Utah Code § 63A-12-103](#).
- B. The City Administrator may assign responsibility for the duties outlined in [Utah Code § 63A-12-103](#) to one, or among several, CAOs as the City Administrator sees fit.
- C. The designation of the CAO(s) shall be reported to the Utah Division of Archives and Records Services (Archives) within 30 days of the designation.
- D. If responsibility for the duties outlined in [Utah Code § 63A-12-103](#) are divided between more than one CAO, such specification should be reported to Archives along with the designation.

### **5.2. Appointed Records Officers (AROs)**

- A. Designated CAO(s) shall appoint one or more individuals to serve as records officers in fulfilling the duties of working with Archives and the Office of Data Privacy in the care, maintenance, scheduling, disposal, classification, designation, access, privacy, and preservation of records.<sup>13</sup>
- B. A designated CAO may assign responsibility for the duties of appointed records officers to one, or among several, officers as the CAO deems appropriate.

- C. The appointment of records officers shall be reported to Archives within 30 days of the appointment.
- D. If responsibility for the duties of appointed records officers are divided between more than one officer, such specification should be reported to Archives along with the appointment.

## **6. RECORDS SERIES**

### **6.1. Records and Records Series**

- A. Each City Department shall create and maintain records and records series in accordance with the requirements provided in DARS and GRAMA in addition to correlated guidance issued by Archives.
- B. Each City Department shall appropriately designate and classify records and records series in accordance with the requirements provided in DARS and GRAMA.
- C. The City shall maintain and dispose of each specific type of record based on the State of Utah's adopted retention schedule.

## **7. AWARENESS & TRAINING**

### **7.1. Departmental Data Privacy Training**

- A. The CAO(s) shall ensure that all employees that have access to personal data as part of the employee's work duties complete a data privacy training program within 30 days after beginning employment and at least once in each calendar year.
- B. The CAO(s) is responsible for monitoring completion of data privacy training by the City's employees.

### **7.2. Agency-Specific Training**

- A. In addition to the general privacy awareness training, agencies may create and require employees to complete agency-specific privacy training tailored to the unique privacy needs, practices, and requirements of the agency.

### **7.3. Appointed Records Officer Training and Certification**

- A. The CAO(s) shall ensure that, on an annual basis, all appointed records officers successfully complete online training on the provisions of GRAMA and obtain certification from Archives in accordance with [Utah Code § 63A-12-110](#).
- B. The CAO(s) shall, on an annual basis, review and confirm the certification status of all appointed records officers.
- C. GRAMA Access AROs: AROs who handle GRAMA transparency responsibilities are required to complete the GRAMA transparency training and obtain certification from Archives in accordance with [Utah Code § 63A-12-110](#).
- D. Records Management and Privacy AROs: AROs specializing in records management or privacy are required to complete both records management and GRAMA transparency training, as well as obtain the corresponding certifications.

## **8. IDENTIFY**

### **8.1. Inventorying**

- A. The CAO(s) shall maintain a comprehensive inventory of:
  - a. All records and record series that contain personal data and the types of personal data included in the records and record series.<sup>14</sup>
  - b. All processing activities, the inventory of which shall include:
    - i. Non-compliant processing activities—pursuant to the GDPR—that were implemented prior to May 1, 2024, and a prepared strategy for bringing the non-compliant processing activity into compliance by no later than January 1, 2027;<sup>15</sup> and
    - ii. All processing activities implemented after May 1, 2024, with documentation confirming compliance status.

## **9. TRANSPARENCY**

### **9.1. Website Privacy Policy**

- A. The CAO(s) shall create and maintain privacy policies on their websites as outlined in [Utah Code § 63D-2-103](#).

- B. The CAO(s) shall ensure that personal data related to a user of the City's website is not collected unless the City's website complies with [Utah Code § 63D-2-103\(2\)](#).
- C. The CAO(s) shall ensure that all websites of the City contain a privacy policy statement that discloses:
  - a. The identity of the governmental website operator;
  - b. How the governmental website operator may be contacted;
  - c. The personal data collected by the governmental entity;
  - d. The practices related to disclosure of personal data collected by the governmental entity and/or the governmental website operator; and
  - e. The procedures, if any, by which a user of a governmental entity's website may request:
    - i. Access to the user's personal data; and
    - ii. Access to correct the user's personal data.
  - f. A general description of the security measures in place to protect a user's personal data from unintended disclosure.

## **9.2. Privacy Notice**

- A. Employees shall only collect personal data from individuals if, on the day the personal data is collected, the City has provided a privacy notice to an individual asked to furnish personal data that complies with Utah Code §§ [63G-2-601\(2\)](#), [63A-19-402](#), [63D-2-103\(2\)-\(3\)](#), or other governing law, as applicable.
- B. Such a personal data request privacy notice shall generally include<sup>16</sup>:
  - a. the record series that the personal data will be included in;
  - b. the reasons the person is asked to furnish the information;
  - c. the intended purposes and uses of the information;
  - d. the consequences for refusing to provide the information; and
  - e. the classes of persons and entities that currently:
    - i. share the information with the City; or
    - ii. receive the information from the City on a regular or contractual basis.



## **10. INDIVIDUAL REQUESTS**

- A. The CAO(s) shall ensure that the City has established appropriate processes and procedures that facilitate compliance with applicable governing law for handling the following privacy requests of individuals:
  - a. Individual's requests to access their personal data;
  - b. Individual's requests to amend or correct their personal data;
  - c. Individual's requests for an explanation of the purposes and uses of their personal data; and
  - d. At-risk governmental employee requests to restrict access to their personal data.
- B. The CAO(s) shall ensure that the City has established processes for public access requests to inspect or copy the City's records, which are not requests from an individual to access their personal data.<sup>17</sup>
- C. The CAO(s) shall ensure that employees of the City follow established business practices with respect to GRAMA.<sup>18</sup>

## **11. PROCESSING**

### **11.1. Minimum Data Necessary**

- A. The CAO(s) shall ensure that all programs within the City obtain and process only the minimum amount of personal data reasonably necessary to efficiently achieve a specified purpose.<sup>19</sup>
- B. The CAO(s) shall ensure that all programs within the City regularly review their data collection practices to ensure compliance with the data minimization requirement.

### **11.2. Record and Data Sharing or Selling Policy**

- A. The City will only share or disclose personal data when there is appropriate legal authority. The sale of personal data is prohibited unless required by law.
- B. Data sharing must comply with GRAMA or other governing law and may include sharing with governmental entities, contractors, private providers, or researchers. Compliance with GRAMA or other governing law is contingent upon the purpose of the sharing, the parties involved, and the nature of the records.

- C. The CAO is required to develop and file a report annually on personal data sharing and selling activities, including types of data shared, the legal basis for sharing, and the entities receiving this data.
- D. All contracts involving personal data must incorporate appropriate privacy protection terms. Written agreements for data sharing are recommended to ensure compliance with applicable laws and regulations.

### **11.3. Retention and Disposition of Records Containing Personal Data**

- A. Employees shall maintain, archive, and dispose of records—which includes all personal data—in accordance with the State of Utah’s approved retention schedule.<sup>20</sup>
- B. Employees shall comply with all other applicable laws or regulations related to retention or disposition of specific personal data held by the City or by a particular operating unit or program of the City.

## **12. INFORMATION SECURITY**

### **12.1. Incident Response**

- A. The City adopts and follows the DTS Cybersecurity Incident Response Plan to manage and address all security incidents, including data breaches, and privacy violations.
- B. Employees shall report all suspected security incidents, including non-IT incidents such as unauthorized access to physical records, to the Enterprise Information Security Office (EISO). Any additional agency-specific response measures for non-IT incidents are the responsibility of the CAO(s) to develop and implement as appropriate.
- C. The CAO(s) shall ensure compliance with all other applicable laws or regulations related to incident response and breach notification of specific personal data held by the City.

### **12.2. Breach Notification**

- A. The City is required to provide notice to an individual or the legal guardian of an individual, if the individual’s personal data is affected by a data breach in accordance with [Utah Code § 63A-19-406](#).<sup>21</sup>
- B. The City is required to notify the Cyber Center and the state attorney general’s office of a data breach affecting 500 or more individuals in accordance with [Utah Code § 63A-19-](#)

405. City departments that experience a data breach affecting fewer than 500 individuals must create and report an internal incident report in accordance with Utah Code § 63A-19-405(5). These requirements are in addition to any other reporting requirement that the City may be subject to.

- C. The CAO(s) that is subject to other breach notification requirements, such as those required for compliance with federal regulations, laws or other governing requirements (e.g., HIPAA or 42 CFR Part 2) shall comply to meet any additional notification requirements of the applicable governing laws and regulations.

## **13. SURVEILLANCE**

### **13.1. Covert Surveillance**

- A. Employees may not establish, maintain, or use undisclosed or covert surveillance of individuals unless permitted by law.<sup>22</sup>
- B. Employees are responsible for engaging with appropriate leadership for review—to include legal counsel where pertinent—of any activity that may be considered a type of surveillance.
- C. The CAO(s) shall ensure that surveillance activities are documented.

### **13.2. Cookies, Fingerprinting, Key Loggers, and Tracking Technologies**

The City is committed to transparency and privacy protection for individuals that visit a website of the City with regard to the use of any tracking technologies, including but not limited to cookies, device fingerprinting, key loggers, and other similar methods for monitoring or collecting information from website users.

#### **A. Cookies**

The use of cookies on City websites and digital services must comply with applicable privacy and security policies. Cookies should be limited to essential operational purposes, and any use of tracking or third-party cookies for analytics or similar functions must be disclosed clearly to users, with an option to consent where required by law.

#### **B. Device Fingerprinting**

Device fingerprinting is prohibited unless explicitly authorized by the CAO and where a legal basis exists. The purpose and extent of fingerprinting must be clearly defined, documented, and disclosed to users in a privacy notice or statement that complies with applicable legal requirements.

**C. Key Loggers**

Key loggers are prohibited without specific authorization from the CAO. Key loggers may only be used when there is a clearly defined operational need that complies with security standards and legal requirements, including appropriate user notice where required.

**D. Other Tracking Technologies**

The use of other tracking technologies, such as web beacons, pixel tags, or similar tools, is prohibited unless explicitly authorized by the CAO and where a legal basis exists. Disclosure of these technologies must be included in user-facing privacy statements, with user consent obtained when required by law.

**E. User Notification and Consent**

The City must ensure users are informed about the use of tracking technologies. A clear website privacy statement must explain the types of data collected, the purpose of the tracking, and how users can manage their preferences or consent. Any updates to tracking practices must be promptly reflected in the privacy statement.

**F. Data Security and Retention**

Data collected through authorized tracking technologies must be securely stored, with access limited to authorized personnel. Retention of this data must align with approved retention schedules, and the data should only be retained as long as necessary for the defined operational purpose.

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<sup>1</sup> [Utah Code § 63G-2-103\(3\)](#)

<sup>2</sup> Cybersecurity & Infrastructure Security Agency, Project Upskill Glossary. Last visited 1/14/2025 at: <https://www.cisa.gov/resources-tools/resources/project-upskill-glossary>

<sup>3</sup> [Utah Code § 63A-19-101\(4\)](#)

<sup>4</sup> [Utah Code § 63G-2-103\(7\)](#)

<sup>5</sup> [Utah Code § 63G-2-103\(13\)](#)

<sup>6</sup> National Institute of Standards and Technology, Computer Security Resource Center, Glossary. Last visited 1/14/2025, at:

[https://csrc.nist.gov/glossary/term/key\\_logger#:~:text=Definitions%3A,NIST%20SP%20800%2D82r3](https://csrc.nist.gov/glossary/term/key_logger#:~:text=Definitions%3A,NIST%20SP%20800%2D82r3)

<sup>7</sup> [Utah Code § 63A-19-101\(13\)](#)

<sup>8</sup> [Utah Code § 63A-19-101\(14\)](#)

<sup>9</sup> Only the citation to the definition of “record” is provided here due to the length of the definition.

<sup>10</sup> [Utah Code § 63G-2-103\(26\)](#)

<sup>11</sup> [Utah Code § 63G-2-103\(27\)](#)

<sup>12</sup> [Utah Code § 63G-2-103\(28\)](#)

<sup>13</sup> [Utah Code § 63A-12-103\(2\)](#)

<sup>14</sup> [Utah Code §§ 63A-12-104](#) and [63A-12-115](#)

<sup>15</sup> [Utah Code § 63A-19-401](#)

<sup>16</sup> [Utah Code §§ 63G-2-601\(2\)](#) and [63A-19-402](#).

<sup>17</sup> This is likely detailed in a specific Department policy.

<sup>18</sup> Dept. of Government Operations Internal Policy 01. Code of Conduct. Section 3.2 Managing Records and Information.

<sup>19</sup> [Utah Code § 63A-19-401\(2\)\(c\)](#).

<sup>20</sup> [Utah Code §§ 63G-2-604\(1\)\(b\)](#) and [63A-19-404](#).

<sup>21</sup> [Utah Code § 63A-19-401\(2\)\(b\)](#).

<sup>22</sup> [Utah Code § 63A-19-401\(2\)\(f\)](#).