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Sent *via* Email
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Re: Residency and Eligibility — District 4 Council Vacancy Appointment

Dear Members of the Council:

I am writing in connection with the Council's anticipated appointment to fill the District 4 vacancy. I have been mentioned as a prospective appointee given my experience serving District 4 on the council, and my candidacy raises a question about residency that the Council is entitled to have answered cleanly and on a complete factual record. I am providing this letter in an abundance of caution and for the sake of full transparency so that every member of the Council, the Office of the City Recorder, the Office of the City Attorney, and the Office of the Mayor have the same information at the same time, and so the Council can make whatever appointment decision it deems appropriate without working from an incomplete record or fragmented inquiries.

My understanding of the controlling authorities is that they are Salt Lake City's municipal vacancy requirements, Utah Code Section 10-3-301, and Utah Code Section 20A-2-105. I have framed the analysis below through those provisions because they are the ones that, on my reading, govern this question, and I welcome correction from the City Attorney or the Council if there is additional or different authority that ought to be considered.

On my reading, Section 10-3-301 establishes both the eligibility and residency requirements for elected municipal office and the in-term residency requirements that apply once an officer is seated, including the automatic-vacancy provisions of subsection (6) tied to principal place of residence, secondary residence use beyond sixty days, absence from the district beyond sixty days, and failure to respond to a residency inquiry within thirty days. Section 20A-2-105, which Section 10-3-301 incorporates by reference, defines "principal place of residence" as the place in which a person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning. Subsection (4)(i) creates a rebuttable presumption that the place where a person's family resides is presumed to be that person's place of residence, and subsection (4)(j) provides that a change of residence occurs only when a person has both acted affirmatively to move from one geographic location and has actual presence in another.

Because this matter involves an appointment to fill a vacancy rather than a candidacy filing on the regular ballot, Utah Code Section 10-3-301(1)(a)'s 365-day pre-election residency requirement may not be technically applicable. However, Salt Lake City's established municipal vacancy qualifications explicitly mandate that an appointee must have resided in Council District 4 for 12 consecutive months immediately preceding the date of the appointment. The analysis

below demonstrates that this strict local requirement, as well as the conservative reading of state code applied by analogy, is fully satisfied.

The factual record on which this analysis rests begins with a near two-decade history in District 4. I have resided continuously at The Metro condominium building in Council District 4 since 2008, renting various units within the building until my husband and I purchased our current, permanent unit in early 2020 following our marriage in late 2018. I have maintained that condominium as my unbroken residence throughout my prior service on this Council, and there has been no period during this 18-year span in which my residence was elsewhere. My husband, our son Henry, and I sleep at the condominium every night without interruption.

On February 10, 2026, my husband and I purchased a single-family home in Draper, Utah, with the longer-range intention of eventually relocating our primary household to that property. The Draper home was move-in ready at the time of closing; we could have occupied it then, but we elected instead to undertake renovations before doing so. By that choice, we have not stayed a single night at the Draper property since the day of closing. No household belongings have been moved out of the condominium, the condominium has not been listed for sale or otherwise withdrawn from family use, and we did not at any point intend to sell it.

An additional fact bears directly on the residency analysis and informs everything that follows. My professional work is based in Salt Lake City at locations within Council Districts 2 and 4, and the nature of that work routinely requires late nights and early mornings within the city. From the time of the Draper purchase, my family's intention has been that I would continue to use the District 4 condominium for multiple overnight stays each week to accommodate the demands of that work, and that intention predated any question about service on this Council. It is unchanged today, and it would remain unchanged during any period of service. The condominium's status as my household's anchor in the city is not a posture adopted in response to the appointment opportunity; it reflects how my family's life is in fact organized around the city in which I work.

There are four matters in the record that are forward-looking in nature and that point toward the Draper home, and I want to identify each of them candidly so the Council has the full picture rather than learning of them through other channels.

First, the financing on the Draper purchase was arranged as a primary residence mortgage, which required execution at closing of an owner-occupancy certification expressing the intent to occupy that property as a primary residence within the period typical of such certifications. Second, our son Henry, who is currently enrolled in pre-Kindergarten in Salt Lake City, has been registered to begin Kindergarten in the fall at Draper Elementary School within the Canyons School District. Third, our LDS Church membership records, which follow geographic ward boundaries, have been transferred from a Salt Lake City ward to a Draper ward. Fourth, the Draper property is presently classified as primary residential with the Salt Lake County Assessor and is receiving the primary residential property tax exemption associated with that classification; to the best of our present knowledge, the classification carried forward at the time of purchase rather than being affirmatively elected in connection with our acquisition of the property, but its present status on the record is the same regardless of how it arose. Each of these four matters reflects, in one form or another, an anticipated or assumed future settling of my family in the Draper home, and I am identifying each of them on this record.

Applying these statutes as I read them, I believe the residency requirements are satisfied as of the anticipated appointment date. My habitation is in fact fixed at the District 4

condominium under Section 20A-2-105(4)(b) because that is where I actually live day-to-day and where I intend to return whenever absent; the Draper home is not such a place, because no member of the household sleeps there or maintains any daily presence there. The family-residence presumption of Section 20A-2-105(4)(i) runs in favor of the condominium because my husband and our son physically reside there. The change-of-residence test under Section 20A-2-105(4)(j) is not satisfied with respect to Draper because neither of its required elements (affirmative action to move and actual presence in the new location) is present. Under both Salt Lake City's 12-month vacancy law and the conservative reading of Section 10-3-301(1)(a)(i) applied by analogy, the residency requirement is effortlessly satisfied because I have continuously resided at the condominium for substantially longer than 365 days, spanning nearly 18 years, including throughout my prior service on the Council.

The cumulative pattern of contemporaneous formal indicia of residency confirms that conclusion. My voter registration has not changed and remains anchored at the District 4 condominium, which is itself a formal declaration to election officials under the very statute that governs this analysis. My Utah driver license shows the condominium address. My vehicle registration and vehicle insurance are likewise maintained at the condominium. My 2024 federal income tax return reflects the condominium as my address, and the 2025 return, which is on extension and in preparation, will likewise reflect the condominium. Day-to-day mail, banking, credit-card billing, and other operational records have not been changed from the condominium. The only Draper-billed accounts are newly opened utility accounts on the Draper property itself, which are operationally necessary to deliver service to that property and which are not probative of residency.

In my view, the four forward-looking matters identified earlier do not displace that conclusion under the statutes as I read them. The owner-occupancy certification accompanying the Draper mortgage is a contractual representation to a lender about intended future occupancy, made for purposes of mortgage pricing and underwriting, governed by the lender's contract rather than by the statutory standard for election-law residency; as a forward-looking statement of intent it does not, on my reading, establish present residency at Draper. The Deed of Trust contains the standard primary-residence covenant requiring occupancy within sixty days of execution; measured from the February 10, 2026 execution, that window has passed without occupancy by our election to undertake renovations first. The loan is current, no concern has been raised by the loan servicer, and the underlying mortgage has been transferred between investors and servicers more than once since origination, such that the practical channel for a formal written exception is no longer the original underwriting lender. The renovation timeline was elected well before any question of Council service arose.

Henry's Kindergarten registration is a forward-looking declaration about an intended attendance status beginning several months from now, contingent on the family being settled into the Draper home by that time, and does not establish present family residence at Draper. The transfer of church membership records reflects an anticipated future ward affiliation that follows administrative ward boundaries and is not a sworn declaration of present residency to any governmental authority.

The Draper property's classification as primary residential with the County Assessor is a property tax classification governed by Utah Code Title 59, a framework distinct from the election-law residency standard in Section 20A-2-105, and is tied to the parcel rather than functioning as a sworn declaration of present residency; that classification does not, on my reading, necessarily change the conclusion reached above under Section 20A-2-105(4)(b), though I acknowledge it points toward the family's anticipated future settling in Draper. None of

these forward-looking indicia satisfies either prong of Section 20A-2-105(4)(j), and none displaces the present-tense test under Section 20A-2-105(4)(b).

I want to set out, in writing and on this record, the commitments I am prepared to make regarding the in-term residency requirements of Section 10-3-301(5) and (6) for so long as I may serve under any appointment to the District 4 seat. I also want to be candid in advance about the practical reality. Because the Draper home is owned by my husband and me and is in the midst of renovation, and because my professional work continues to be based in Salt Lake City, I anticipate that any period of service would involve overnights at both properties (the bulk anchored at the District 4 condominium, where my work and weekday life are concentrated, and the remainder at the Draper home) driven by the demands of work within the city, ordinary family considerations, the ongoing renovation, and the everyday movement of a family that maintains two Utah properties. I do not want the Council to be under the impression that I am committing to spend every night at the condominium during the term, because that would not be accurate; I am committing to maintain the condominium as my principal place of residence and to respect the statutory boundaries that protect that posture.

Within that frame, I will maintain my principal place of residence within District 4 and Salt Lake City as required by Section 10-3-301(5), measured by both where my habitation is in fact fixed and the formal indicia that continue to anchor at the condominium. I will not allow any use of the Draper property to cross the 60-day continuous secondary-residence threshold of Section 10-3-301(6)(a)(ii). I will not be absent from the district for any continuous period exceeding 60 days within the meaning of Section 10-3-301(6)(a)(iii). I will respond within the 30-day window of Section 10-3-301(6)(a)(iv) to any residency inquiry from the County Clerk or the Lieutenant Governor. If any anticipated longer stretch of time outside the district becomes necessary for a defined purpose (none of which is currently anticipated), I will seek the Council's consent in advance under Section 10-3-301(6)(b) at a public meeting rather than allow the situation to drift toward a sixty-day boundary. I do not anticipate, and I will actively work to prevent, any scenario in which my principal place of residence shifts to the Draper home during any term of service; the commitments above are designed to ensure that does not occur. In the highly unlikely event that circumstances nonetheless caused such a shift within the meaning of Section 10-3-301(6)(a)(i), I would not attempt to retain the seat through that transition, and the seat would be vacated consistent with the statute.

In the interest of complete candor, my husband and I do anticipate that, at some point in the future, the Draper home will function as our primary household residence and the District 4 condominium will function as a smaller secondary residence within the city. The timing of that shift relative to any appointed term is genuinely undecided and depends on family circumstances that are not presently fixed. I am not asking the Council to seat me on the false premise that no such long-range plan exists. I do not believe the legal question is a close one: based on my reading of the statutes and the facts described in this letter, the residency requirement is satisfied today, the commitments above are achievable, and I am abiding by the law in substance and not merely in form.

The concern this letter raises is not, in my view, primarily a legal one. The concern is appearance, and the position the Council would be placed in by an appointment that will be examined publicly regardless of how clearly the legal answer falls.

I have provided this letter, with this level of detail, because I would rather the Council reach its decision with the full record in front of it than have the record assembled in pieces or in response to questions raised in the moment. The question will be asked. Prospective

candidates, members of the public, and the press will examine the record. If the Council appoints me, the decision is defensible on the merits set out here, but it will need to be defended, and the Council is entitled to weigh that prospect alongside the legal answer. I am not arguing for or against my own selection necessarily; I am asking the Council to make its decision with the controversy disclosed and the record complete. If the Council concludes that the cleaner course is to direct its appointment to a candidate whose situation does not invite the question at all, I understand and will respect that decision without reservation.

On the underlying question of fit for the seat, I served previously on this Council, and since that service ended I have remained substantively engaged with the work of the body and with District 4. I have remained active with the East Central Community Council, including writing letters of support or denial regarding projects proposed within the district. I have served as a member of the board of the Downtown Alliance, and I currently serve as Vice Chair of the Granary District Alliance. Without knowing the full slate of candidates the Council is considering, I do believe these continuing engagements position me to take up the work without a learning curve and to represent District 4 capably from the first day of any appointed term.

I want to be clear that I have no intention of running for the seat when it is up for election; I am stepping in to fix a problem not of my making. Whether or not I am ultimately appointed, my engagement with the downtown community and with District 4 will continue in the same way it has in the period since my prior service on the Council concluded; the civic work described above is work I expect to be doing regardless of the Council's decision on this appointment.

In the interest of transparency, I have received communications from other prospective candidates for this seat concerning my residency, and I expect that the residency question will be raised before the Council in some form regardless of how this letter is received. I would rather the Council have the full analysis and the complete set of facts in front of it now, in one consistent document, than respond to those questions on whatever record happens to be assembled at the moment.

I am available to provide any additional information the Council, the City Recorder, the City Attorney, or the Mayor may request, and to appear before the Council at its convenience if questions arise. Thank you for the time you are giving this matter and for the seriousness with which the Council approaches its appointment responsibilities.

Respectfully,



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cc:
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