
TITLE 1



MOUNTAIN REGIONAL WATER DISTRICT

SPECIAL SERVICE DISTRICT of Summit County

Governing Ordinance

Adopted May 24, 2001

Amended July 8, 2015

Mountain Regional Water Special Service District

GOVERNING ORDINANCE

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MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

Governing Ordinance

SECTION 1.0 Definitions

- 1.1 BOARD:** The mountain regional water special service district administrative control board.
- 1.2 COUNTY:** Summit County, Utah.
- 1.3 COUNTY COUNCIL:** The legislative body of Summit County.
- 1.4 DISTRICT:** The mountain regional water special service district.
- 1.5 GOVERNING BOARD:** The Summit County council, otherwise referred to as the "County Council".
- 1.6 OWNERS:** The owners of property within the boundaries of the Mountain Regional Water Special Service District. (Ord. 749-A, 12-15-2010)

SECTION 2.0 Established

- 2.1** There is hereby established an administrative control board known as the "mountain regional water special service district administrative control board", which shall be a board whose members are appointed by the County Council. The County Council hereby retains the authority to remove any or all Board members with or without cause at the unfettered discretion of the County Council. (Ord. 749-A, 12-15-2010)

SECTION 3.0 Authority and Duties

- 3.1** The Board shall exercise all powers and duties enumerated in Utah Code Annotated section 17D-1-103, with the following exceptions which are expressly reserved pursuant to Utah Code Annotated section 17D-1-301(4)(a) by the County Council as the governing board:

- A. The power to appoint and remove the General Manager with the consent of the County Council. The appointment shall be memorialized in a written employment contract which shall be approved as to form by the county attorney;
- B. The exercise of eminent domainⁱ;
- C. The power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the countyⁱⁱ;
- D. The power to borrow money and incur indebtedness, including the issuance of bondsⁱⁱⁱ;
- E. The power to annex areas into the district^{iv};
- F. The power to levy a tax or assessment^v;

- G. The power to appoint a board of equalization^{vi};
- H. The power to approve the annual budget;
- I. The power to direct litigation; and
- J. The power to adopt bylaws. (Ord. 749-A, 12-15-2010)

SECTION 4.0 Policies, Procedures, Regulations

- 4.1** The Board may recommend for County Council approval policies and procedures, and regulations, including procurement and fiscal management procedures, for the District. All collections, investments, disbursements, procurements, and other financial transactions will be managed by the District Treasurer within the district financial system and will be subject to the policies as adopted. The district may utilize the services of the county treasurer and auditor to assist in financial matters.
- 4.2** Pursuant to Utah Code Annotated, the district may utilize the services of the county attorney on a contract basis. (Ord. 749-A, 12-15-2010)
- 4.3** All district policies, procedures and regulations shall be on file with the county clerk.

SECTION 5.0 Composition

- 5.1** The Board will be comprised of no more than seven (7) persons and no fewer than five (5) persons who must be electors of the district, as that term is defined in state law.
- 5.2** The members of the Board shall be appointed by the County Council. Compensation of the Board members shall be set, from time to time, by resolution of the council. Each Board member may serve a maximum of three (3) terms.
- 5.3** The term of office for each Board member shall be four (4) years with the first officers serving staggered terms of two (2) or four (4) years. In the event a member is unable to complete a term on the Board, the council shall appoint an elector of the district to complete the unexpired term.
- 5.4** The Board shall elect a Chair and Vice Chair. The District General Manager shall be the secretary and clerk to the Board, and the district Chief Financial Officer shall be the Treasurer to the Board. (Ord. 749-A, 12-15-2010)

SECTION 6.0 Transacting Business

- 6.1** For purposes of advising the County Council and transacting the business of the district, the Board may meet and confer, adopt recommendations and convey them to the County Council verbally or in writing, make decisions regarding District matters, or it may meet with the County Council or any of its members to discuss service development and delivery proposals. The Board may establish committees for the purpose of investigating preferred or potential methods of service development and delivery. (Ord. 749-A, 12-15-2010)

SECTION 7.0 Budget

- 7.1** It shall be the duty of the Board and General Manager to prepare an annual budget for the Mountain Regional Water Special Service District which will conform to the uniform fiscal procedures act for special districts, and recommend the budget so prepared to the County Council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the District's budget. (Ord. 749-A, 12-15-2010)

SECTION 8.0 Bylaws; Meetings

- 8.1** The Board shall conduct its business according to the bylaws adopted by the County Council, with Board meetings as needed to act on the business of the district. The bylaws may be amended from time to time by the council. (Ord. 749-A, 12-15-2010)

SECTION 9.0 Indemnification

- 9.1** The Mountain Regional Water Special Service District shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the General Manager, a director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.
- 9.2** Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the application standard of conduct and on receipt of an undertaking by or on behalf of the General Manager, a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this section.
- 9.3** The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the General Manager, a director, officer, employee, or agent met any appropriate standard of conduct.
- 9.4** The indemnification provided for in this section shall continue as to any person who has ceased to be the General Manager, a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person. (Ord. 749-A, 12-15-2010)

SECTION 10.0 Insurance

- 10.1** The district shall have power to purchase and maintain insurance on behalf of any person who is the General Manager, a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as

such, whether or not the District would have authority to indemnify him or her against the liability under the provisions of this chapter, or under law. (Ord. 749-A, 12-15-2010)

SECTION 11.0 Governing Authority

11.1 The Summit County Council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.

A. The County Council hereby delegates the following powers, authorities, and duties to a General Manager:

1. To govern the day to day operations of the District, including the authorization to cosign checks and other disbursements on behalf of the District;
2. To prepare, in cooperation with the Board, an annual budget for the District in accordance with section 2-9-7 of this chapter;
3. To provide a recommendation to the Board as to the manner and method of administering the provision of water services, including contracts for services, the purchase or lease of land, the purchase, lease or construction of improvements, facilities, water rights, systems, equipment, and supplies;
4. To provide a recommendation to the Board as to the operation of the District and such other usual and necessary actions required for the operation of the District; and
5. To receive recommendations from the Board as to day to day operations of the District and any such other recommendations as the Board may see fit to provide to the General Manager.

B. The County Council hereby delegates the following powers, authorities, and duties to a District Clerk:

1. To record and safeguard all minutes of meetings of the Board;
2. Shall act as the Secretary of the District.

C. The County Council hereby delegates the following powers, authorities, and duties to the District Treasurer:

1. To cosign all checks and other disbursements on behalf of the District.
2. To provide a recommendation to the Board regarding the collection of revenues, disbursement of funds for expenses, and the custody of funds that comply with state law and sound accounting controls.

D. The Chair of the Board shall have the power and authority to convene meetings in accordance with the Utah open and public meetings act and conduct such business as is necessary to fulfill the duties of the Board. (Ord. 749-A, 12-15-2010)

Footnotes - Click any footnote link to go back to its reference.

[Footnote i:](#) UCA § 17D-1-103(2)(a).

[Footnote ii:](#) UCA § 17D-1-103(2)(j).

[Footnote iii:](#) UCA §§ 17D-1-103(2)(m), (n); 17D-1-301(3)(d), 17D-1-301(3)(e).

[Footnote iv:](#) UCA § 17D-1-301(3)(a).

[Footnote v:](#) UCA §§ 17D-1-301(3)(c), 17D-1-301(3)(f).

[Footnote vi:](#) UCA § 17D-1-301(3)(h).
