

**RESOLUTION OF THE BOARD OF TRUSTEES OF MT OLYMPUS IMPROVEMENT
DISTRICT TO APPROVE FIRST AMENDMENT TO ADMINISTRATIVE POLICY
AND PROCEDURES MANUAL – ELECTRONIC MEETINGS – VOTING**

RESOLUTION #19-062222-02

**MT OLYMPUS IMPROVEMENT DISTRICT
FIRST AMENDMENT TO ADMINISTRATIVE POLICY AND PROCEDURES
MANUAL OF THE DISTRICT WITH RESPECT TO ELECTRONIC MEETINGS –
VOTING**

[Roll Call Voting at Electronic Meetings for Nonunanimous Votes]

A Resolution adopting the First Amendment to the District’s Administrative Policy and Procedures Manual (the “Manual”) with respect to matters governing procedures pertaining to voting at electronic meetings of the District’s Board of Trustees (the “Board”) if voting is not unanimous.

WHEREAS, the Legislature of the State of Utah enacted House Bill 22 (2022 General Session), amending Section 52-4-207 of the Utah Code – the Utah Open and Public Meetings Act, which Bill made various changes to procedures governing electronic meetings including the manner of voting and recording of votes of Board members attending a meeting electronically.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MT OLYMPUS IMPROVEMENT DISTRICT:

(1) that the Manual is amended by adding new Subsection 3.13 B. 6. to existing Section 3.13 B. of the Manual, as set forth below:

6. If the members of the Board attending an electronic meeting do not vote unanimously with respect to any motion or other subject under consideration by the Board, all votes shall be taken by roll call vote. The District Clerk shall record in the minutes of the electronic meeting that (i) the voting on such motion or subject was not

unanimous and (ii) all of the votes with respect to such motion or subject at said electronic meeting were taken by roll call vote, the name of each member of the Board in attendance at the electronic meeting, and her or his affirmative or negative vote on the motion or other subject voted upon.

(2) that this Resolution shall be effective immediately upon adoption.

Dated this 22nd day of June, 2022.

MT OLYMPUS IMPROVEMENT DISTRICT

By: *Amili Neg*
Its: Chair

ATTEST:

Sammy Gonzales
District Clerk

**FIRST AMENDMENT TO ADMINISTRATIVE POLICY AND PROCEDURES
MANUAL OF MT OLYMPUS IMPROVEMENT DISTRICT WITH RESPECT TO
ELECTRONIC MEETINGS – VOTING**

This First Amendment to the Mt Olympus Improvement District Administrative Policy and Procedures Manual (the “**First Amendment**”) is adopted by the Board of Trustees (the “**Board**”) of Mt Olympus Improvement District (“**Mt Olympus**”) by Board Resolution #19-062222-02 on the 22nd day of June, 2022.

WHEREAS, the Board adopted the Administrative Policy and Procedures Manual of the District (the “**Manual**”) effective as of April 21, 2022.

WHEREAS, the Legislature of the State of Utah enacted House Bill 22 (2022 General Session), amending Section 52-4-207 of the Utah Code – the Utah Open and Public Meetings Act, which Bill made various changes to procedures governing electronic meetings including the manner of voting and recording of votes of Board members attending a meeting electronically.

WHEREAS, the Board is desirous of amending the Manual in order to include provisions allowing the District to comply with said legislation and enacting changes to the District’s policies and procedures with respect to voting at electronic meetings of the District.

NOW, THEREFORE, the Manual is hereby amended as follows:

New Subsection 3.13 B. 6. is hereby added to existing Subsection 3.13 B. of the Manual, as set forth below:

6. If the members of the Board attending an electronic meeting do not vote unanimously with respect to any motion or other subject under consideration by the Board, all votes shall be taken by roll call vote. The District Clerk shall record in the minutes of the electronic meeting that (i) the voting on such motion or subject was not unanimous and (ii) all of the votes with respect to such motion or subject at said electronic meeting were taken by roll call vote, the name of each member of the Board in attendance at the electronic meeting, and her or his affirmative or negative vote on the motion or other subject voted upon.

[Signatures follow on the next page.]

MT OLYMPUS IMPROVEMENT DISTRICT, a local
district and political subdivision of the State of Utah

By: *Ameli Neff*
Its: Chair

ATTEST:

Sammy Gonzales
District Clerk

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that on June 22, 2022, the Board of Trustees of Mt Olympus Improvement District (the "Board") adopted a resolution entitled "*Resolution of the Board of Trustees of Mt Olympus Improvement District to Approve First Amendment to Administrative Policy and Procedures Manual – Electronic Meetings – Voting*" (the "Resolution"). A copy of the Resolution is attached hereto as Exhibit A.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the first date of the posting of this notice on the Utah Public Notice Website during which any person in interest shall have the right to contest the regularity, formality, or legality of the Resolution by filing a written complaint in the Third Judicial District Court in and for Salt Lake County, State of Utah, and that after such time no one may contest the regularity, formality or legality of the Resolution for any cause whatsoever.

DATED June 22, 2022.

/s/ Tammy Gonzales

District Clerk

Posted on the Mt Olympus Improvement District Website and on the Utah Public Notice Website on August 17, 2022.

MT OLYMPUS IMPROVEMENT DISTRICT



ADMINISTRATIVE POLICY AND PROCEDURES MANUAL

Effective as of April 21, 2021

MT OLYMPUS IMPROVEMENT DISTRICT

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL

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CHAPTER 1

INTRODUCTION

1.1. ADMINISTRATIVE POLICY

This document shall be known as the *Mt Olympus Improvement District Administrative Policies and Procedures Manual* (the “Manual”). Mt Olympus Improvement District is hereinafter referred to as the “District.”

1.2. MISSION STATEMENT.

The mission of Mt Olympus Improvement District is to:

- A. Protect human health and the environment by responsibly maintaining the assets and infrastructure of the District in order to collect and convey the wastewater from its users to the Central Valley Water Reclamation Facility (“Central Valley”) for treatment.
- B. Maintain a safe working environment at all times.
- C. Maintain a high level of customer-valued services by:
 - 1. responding quickly to customer needs
 - 2. using modern technology and equipment
 - 3. using innovative approaches to problem solving
 - 4. anticipating future needs
 - 5. preparing for emergencies
 - 6. maintaining adequate capacity to serve future anticipated growth, development, and changes within the District.
- D. Promote a flexible work force by creating an environment for our employees which:
 - 1. stimulates and nurtures long-term growth and development, both personally and professionally
 - 2. focuses on a team-based approach that emphasizes individual accountability
 - 3. encourages training and skill development that results in job satisfaction.
- E. Be a good steward of public funds.

1.3. BOARD OF TRUSTEES

The Board of Trustees (the “Board”) shall govern the District and shall determine all questions of District policy. All powers of the District are exercised through the Board. Each Trustee is hereinafter referred to as a “Trustee.” The Trustees are collectively hereinafter referred to as the “Trustees.”

1.4. DISTRICT GOVERNMENT

- A. District governance is vested in the Board, the governing body of the District, and a General Manager appointed by the Board (the “General Manager”).
- B. The Board constitutes the policy-making body of the District and is presently composed of three (3) Trustees elected by the voters within the District boundaries. The General Manager, with input from the other Principal Officers (except the Chair), will advance recommendations to the Board and provide assistance in formulating new policies.
- C. The General Manager and the other officers and employees will execute the will of the Board as expressed by Board policy and direction.

1.5. FUNCTIONS OF THE BOARD OF TRUSTEES

- A. The Board passes resolutions and policies, appropriates funds, and performs such other duties and responsibilities as are required of it or otherwise allowed by law.
- B. The Board establishes policy through broad general policy directives and general task assignments consistent with the mission of the District.
- C. The Board reviews the General Manager’s performance and establishes the General Manager’s compensation level annually.
- D. In every case, the will of the Board shall be expressed by a majority vote of a “Quorum” (defined in Section 3.7 below) of the Board. No statement or act of any individual Trustee shall be viewed as the will of the Board.
- E. The Board will review this document periodically in order to verify that it is pertinent and current.

1.6. LIMITATIONS OF ACTIONS AND AUTHORITY OF THE BOARD

- A. Individual Trustees shall not give orders to any staff member or the General Manager, either publicly or privately, but may make suggestions and recommendations to the General Manager.

CHAPTER 2

TRUSTEES AND OFFICERS

2.1. QUALIFICATIONS FOR ELECTED TRUSTEES

- A. District Residence. Each Trustee shall be a registered voter at the location of the Trustee’s residence and be a resident within the boundaries of the District. **[17B-1-302 (1) (a)]**

- B. Oath of Office. Before entering upon the duties of office, each Trustee shall take and subscribe to the following oath or affirmation: “I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity.” The failure of a Trustee to take the oath does not invalidate any official act of that Trustee.

2.2. TRUSTEE ELECTION

The Trustees are elected in conformance with the laws of the State of Utah. District employees shall refrain from recruiting individuals to serve as Board members.

2.3. TERM OF OFFICE

- A. The term of each Trustee shall begin at noon on the first day of January following the Trustee’s election.
- B. The term of each Trustee shall be four years. The terms of two of the Trustees expire simultaneously and the third Trustee’s term shall expire two years later. **[17B-1-303 (2) (a) (i)]**
- C. Each Trustee shall serve until a successor is duly elected or appointed and qualified, unless the Trustee has been removed from office, resigns, or otherwise leaves office.
- D. A Trustee is not limited in the number of terms the Trustee may serve. **[17B-1-303(4)]**

2.4. VACANCIES IN BOARD OF TRUSTEES

- A. Events Creating Vacancies. A vacancy in a Trustee’s term of office shall be deemed to exist in the case of death, resignation, failure to continue to qualify as a Trustee pursuant to Section 2.1 or other disqualification of the Trustee, or if a Trustee has been declared of unsound mind by a State or Federal court in Utah (a “Court”).
- B. Filling a Vacancy. Whenever a vacancy occurs on the Board, the remaining Trustees shall appoint a replacement to serve during the unexpired term in accordance with state law. **[17B-1-303(5)(a), 20A-1-512(1)(a)(1)]**

2.5. PRINCIPAL OFFICERS

The principal officers of the District shall consist of a Chair of the Board (the “Chair”), the General Manager, the Assistant General Manager (if appointed by the General Manager), the District Clerk (the “Clerk”), the District Treasurer (the “Treasurer”), and the Chief Financial Officer (the “Chief Financial Officer”). The foregoing officers are hereinafter collectively referred to as the “Principal Officers.” The General Manager may select and designate other officers as the General Manager shall from time to time establish.

2.6. QUALIFICATIONS; ELECTION AND TERM OF OFFICE

- A. Election and Appointment. At the Annual Meeting, the Board shall (i) choose one of its Trustees as Chair of the Board (ii) choose one of its Trustees as the District's representative to the Central Valley Water Reclamation Facility (iii) choose one of its Trustees or employees as Treasurer and (iv) choose one of its Trustees or employees as Clerk. The Clerk and Treasurer may or may not be Trustees. The General Manager and the Treasurer may be the same person. The General Manager shall not be a Trustee and shall be a full-time employee of the District. The offices of Chair, Treasurer, and Clerk shall each be held by separate persons.
- B. Term. The Principal Officers shall serve until resignation, retirement, or replacement by the Board.

2.7. APPOINTMENT OF PRINCIPAL OFFICERS

The General Manager may remove or appoint the Principal Officers (other than the Chair and the General Manager) at any time or from time to time, in the General Manager's discretion.

2.8. RESIGNATION

Any officer may resign at any time by giving written notice to the Board or to the Clerk. Any resignation shall take effect upon receipt of such notice or at any later time specified in the notice. Unless otherwise specified in the notice, acceptance of the resignation shall not be necessary to make it effective.

2.9. REMOVAL

Any officer elected by the Board may be removed by a majority vote of the Board whenever, in its judgment, the best interests of the District would be served.

2.10. VACANCIES IN OFFICES

The Board may fill a vacancy in any office because of death, resignation, removal, disqualification, or otherwise, for the unexpired portion of the officer's term. In the case of the Clerk or Treasurer, the Chair may appoint a new Clerk or Treasurer to serve until such time as the Board shall elect a successor based upon the person's experience and qualifications.

2.11. DUTIES OF THE CHAIR OF THE BOARD

The Chair shall:

- A. Preside at all meetings of the Board.
- B. Execute on behalf of the District:

1. All bonds and instruments creating debt against the District.
 2. Board resolutions.
 3. Agreements with the United States, the State of Utah, Central Valley, or any other governmental entity, department or political subdivision, unless delegated to the General Manager by the Chair or allowed the General Manager by other Sections in this Manual.
 4. Agreements specifically authorized and directed by the Board.
 5. Real estate leases, and all deeds and conveyance documents in which the District is a grantor of any interest.
 6. Contracts and agreements authorized by the Board which cause the District to incur expenditures not described within the District's annual budget, but which are specifically authorized by the Board.
 7. All other contracts and agreements specifically required of the Chair.
- C. Attend and, if appropriate, preside at ceremonial activities (including, but not limited to, ribbon-cuttings, open houses, receptions) in which ceremonial representation is needed or sought.
- D. Be a spokesperson for the Board, unless the Board directs otherwise. When the Chair acts as spokesperson for the District, the Chair should speak for the majority of the Board. When the Chair is speaking for himself or herself or in the capacity as an individual Trustee, the Chair should clearly identify that limited capacity.
- E. Represent the will of the Board.
- F. The Chair may request any Trustee to represent the District outside of the Board meetings. If no Trustee is able to represent the District (other than in official Board meetings) the General Manager or his or her designated staff member shall do so.

2.12. SUCCESSION OF AUTHORITY

In the event that the office of Chair is vacant or the individual occupying this office is absent or otherwise unavailable, the senior Trustee, in terms of length of continuous service on the Board, shall serve as Acting Chair, with all the power and authority of the Chair.

2.13. DUTIES OF THE CLERK

- A. The Clerk shall be the custodian of the records of the District. The Clerk or other appointed person shall (i) attend the Board meetings and keep a record of the proceedings of the Board (ii) assist the Board in such particulars as it may direct in

the performance of its duties and (iii) perform those duties authorized by law or by this Manual. **[17B-1-631 (3)]**

- B. The Clerk shall attest all certified copies of the official records and files of the District.
- C. The Board may appoint an assistant clerk (the “Assistant Clerk”) to function in the absence of the Clerk with all the power and authority of the Clerk.

2.14. DUTIES OF THE TREASURER AND CHIEF FINANCIAL OFFICER

- A. The Treasurer shall be custodian of all money, bonds, or other securities of the District. **[17B-1-633(2)]**
- B. The Treasurer and the Chief Financial Officer shall determine the cash requirements of the District and provide for the deposit and investment of all money by following the procedures and requirements of the Money Management Act (defined below). **[17B-1-633(3)] [51-7]**
- C. The Treasurer or his or her designee shall receive all public funds and money payable to the District within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue. **[17B-1-633(3)(b)]** The Treasurer or his or her designee shall keep an accurate, detailed account of those funds and money as required by law and as directed by the Board. **[17B-1-633(3)(c)]**
- D. The Treasurer shall have such other duties and responsibilities as provided by law. **[17B-1-633 (3) (D), 17B-1-634.]**
- E. The Treasurer may, along with one of the Trustees, countersign all checks written on the District’s bank accounts. The Treasurer, through the Chief Financial Officer, shall determine that a sufficient amount is on deposit in the appropriate bank account of the District to honor the check.
- F. The Treasurer or his or her designee shall promptly deposit all District funds in the appropriate bank accounts of the District. District funds shall not be commingled with funds of another person or entity.
- G. The Treasurer and Chief Financial Officer shall be responsible for monitoring expenditures during the fiscal year.
- H. The Board may appoint an assistant treasurer (the “Assistant Treasurer”) to function in the absence of the Treasurer with all the power and authority of the Treasurer or within the scope of authority otherwise delegated by the Board. If the Board appoints an Assistant Treasurer, the Assistant Treasurer shall also be covered by the District’s crime and management liability insurance policies, pursuant to the provisions of Section 4.2.

I. The Chief Financial Officer shall maintain the financial records of the District.

2.15. PERSONAL USE OF PUBLIC PROPERTY

A. Purpose: This shall be known as the District's Personal Use of Public Property Policy, or the "Policy". It has been adopted for the purpose of regulating the use of District-owned, leased, held, operated or managed equipment, vehicles, office supplies, devices, tools, facilities and other District-owned personal and real property (herein "District Property").

B. Background/Effective Date: Utah Code Section 76-8-402 deals with the misuse of public funds and, more specifically, public property, inasmuch as public property was not previously included in the criminal statute to the same extent as public funds. Since the misuse of public property can result in criminal charges, including felony charges, the District desires to adopt this Policy to clarify what may constitute a misuse of District Property and to authorize the personal use of District Property under certain circumstances.

C. Definitions: For purposes of this Policy the following words will have the following meanings:

1. "Public Servant" means (i) an elected official of the District (ii) an appointed official of the District (iii) an employee, consultant, or independent contractor of the District or (iv) a person (including an individual, an entity, or an organization) hired or paid by the District to perform a government function. *See* Utah Code Ann. § 76-1-601(14). A person becomes a "public servant" upon the person's election, appointment, contracting or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.

2. "Public Property" and "District Property" are interchangeable and mean and include any real or personal property that is owned, leased, held, operated or managed by the District, including Public Property that has been transferred by the District to an independent contractor for the purpose of providing a program or service for or on behalf of the District. In the event and to the extent the Public Property is consumed or rendered effectively valueless to the District as a program or service is provided to the District by an independent contractor or as the Public Property is utilized by District employees, the property shall cease to be Public Property and may be disposed of as the independent contractor or District management deems fit, unless otherwise directed by the District. *See* Utah Code Ann. § 76-8-101(5).

3. "Authorized Personal Use" means any personal use that is authorized pursuant to this Policy. As provided in Utah Code Ann. § 76-8-402(1), a public servant may use District Property for a personal matter and personal use of District Property is allowed when: (a) (i) the public servant is authorized to use or possess the Public Property to fulfill the public servant's duties owed to the District; (ii) the primary purpose of the public servant using or possessing the Public Property is to fulfill the public servant's duties to the District; (iii) the personal use is in accordance with this Policy; and (iv) the public servant uses and possesses the District Property in a lawful manner in accordance with this

Policy; or (b) the personal use of District Property is incidental, such as when: (i) the value provided to the District by the public servant's use or possession of the Public Property for a public purpose substantially outweighs the personal benefit received by the public servant's personal incidental use; and (ii) the incidental use is not prohibited by an applicable state or federal law. Any lawful personal use of District Property by a public servant that is not prohibited by applicable state or federal law is specifically authorized and allowed by this Policy. The District recognizes that third parties may benefit indirectly or directly from a public servant's personal use, or official use, of the District's Public Property, which benefit is specifically condoned and authorized by this Policy so long as and to the extent that the benefit does not otherwise violate an applicable law, rule or ordinance, including but not limited to state statutory law and rules and regulations of the District.

D. Personal Use:

1. Devices: Communication and other devices, such as mobile phones, landline phones, and computers, that are owned by the District may be used by an employee for occasional, incidental personal activities such as calling home, making other personal calls during a break, accepting occasional incoming personal calls, etc., provided that such personal usage is not excessive. Similarly, District owned computers and smart phones may be used for personal text messaging, e-mails and other personal uses, provided that such use is limited, as much as reasonably possible, to break periods or periods when the employee is not "on the clock," and is not excessive.

2. Physical Facilities: Personal activities by public servants at District-owned, leased, managed and/or maintained facilities, such as meeting family members or friends for short periods of time, are allowed, provided they do not become excessive or disruptive.

3. Office Supplies/Shop Supplies/etc.: Office supplies, shop supplies and other District-owned supplies and items of personal property are intended for uses that directly benefit the District. Incidental personal use of the same by public servants is allowed, such as the use of District-owned office supplies including pens, pencils and paper, provided that such incidental personal use is not excessive.

4. Miscellaneous: Any District Property that does not fall under any of the above classifications may nevertheless be utilized by a public servant for incidental personal uses. Policies pertaining to District Property including vehicle usage and rights of privacy are contained in the Personnel Policy. Notwithstanding the foregoing, due to the nature and extent of the General Manager's duties and responsibilities to the District, the District has adopted separate policies and procedures pertaining to the General Manager's possession and use of Public Property, as contained in one or more agreements between the District and the General Manager. The terms and conditions of the Policy pertaining to the General Manager are contained in said agreement(s) – hereinafter, the "General Manager Agreements."

E. Subsequent Modifications/Higher Law:

1. Policy Not Exhaustive: The Board reserves the right to add to, delete from or change this Policy at any time. The Policy stated above is not necessarily inclusive because, among other reasons, unanticipated circumstances may arise, and other rules or regulations of the District may apply. The District may vary from the Policy, subject to the application of applicable state and federal laws, if the circumstances so justify.

2. Higher Law to Control: In the event of any conflict between the Policy and any applicable federal or state law, rule or regulation, the law, rule or regulation, including amendments and modifications thereto, shall control to the extent of such inconsistency.

2.16. COMPENSATION

- A. Each Trustee may receive compensation for service on the Board in the amounts determined by the Board and set forth in Title 17B, Chapter 1, Section 307 and Title 11, Chapter 55, as the same may be amended from time to time. **[11-55-101, et seq.]**
- B. As determined by the Board, a Trustee may participate in a group insurance plan provided to employees of the District on the same basis as employees of the District. The amount that the District pays to provide a Trustee with coverage under a group insurance plan shall be included as part of the Trustee's compensation under subsection 2.20.A. **[17B-1-307(1)(b)(1)(c)]**

2.17. TRAINING

- A. Each Trustee shall, within one year after taking office, complete the training developed by the Utah State Auditor or the training provided by the Utah Association of Special Districts as prescribed by statute. **[17B-1-312]**
- B. Additionally, each Trustee shall, on an annual basis, complete the annual training for Trustees developed by the Utah State Auditor or the Utah Association of Special Districts. Such annual training includes training with respect to the Utah Open Meetings Act (defined in Section 3.1.A. below) and the Ethics Act (defined in Section 9.1 below) including potential or actual conflicts of interest of a Trustee and the District.
- C. The District shall compensate each Trustee for each day of training completed by the Trustee in amounts and at the times required by law. **[17B-1-312 (3)]**

CHAPTER 3

MEETINGS

3.1. TERMS USED IN THIS CHAPTER

As used in this Chapter:

- A. “Open Meetings Act” means the Utah Open and Public Meetings Act (Utah Code Title 52, Chapter 4).
- B. “Closed to the public” means a meeting that the public is not allowed to attend, pursuant to the Open Meetings Act.
- C. “Open to the public” means a meeting that the public is allowed to attend, pursuant to the Open Meetings Act.
- D. Terms used in this Chapter that are defined in the Open Meetings Act shall have the meanings given by the Open Meetings Act.

3.2. MEETINGS OF THE BOARD OF TRUSTEES

- A. Regular Meeting. A regularly scheduled meeting of the Board for which notice of the date, time, and place has been given in the Annual Meeting Schedule (defined in Section 3.4.A. below).
- B. Special Meeting. Any meeting of the Board that replaces or is held in addition to regular meetings.
- C. Annual Meeting. The meeting at which officers of the District are elected. The Annual Meeting shall be held on the date and hour of its regularly scheduled meeting in January.
- D. Emergency Meeting. A special meeting held as a result of unforeseen circumstances, to consider matters of an urgent or emergency nature.

3.3. PLACE OF MEETINGS

Except as may otherwise be determined, meetings of the Board shall be held at the District’s principal place of business – the District’s Administrative Building, 3932 S. 500 E., Salt Lake City, Utah (the “Principal Place of Business”).

3.4. PUBLIC NOTICE OF MEETINGS

- A. Annual Meeting Schedule. An annual schedule of the regular meetings of the Board shall be posted at the District’s principal office, placed on the District’s website, and provided to one newspaper of general circulation within the geographic jurisdiction of the District. The annual schedule of regular meetings shall also be sent to the Public Notice Website. **[52-4-202(3)(a)]**
- B. Regular Meeting. Notice of the date, time, and agenda for each regular meeting shall be posted at the District’s principal office, on the District’s website, and sent not less than 24 hours before the beginning of each meeting to the Public Notice Website. All Regular Meetings shall be held at the District’s Principal Place of

Business, unless specifically changed, pursuant to notice given as set forth above.
[52-4-202(3)(a)]

- C. Special Meeting. If it becomes advisable to hold a special meeting of the Board, notice of the special meeting shall be given as described in Section 3.4.B. If unforeseen circumstances require the calling of an emergency meeting, the notice requirements of Section 3.4.B. may be disregarded, and the best practicable notice given. Except for emergency meetings, no special meeting shall be held until a reasonable attempt has been made to notify all Trustees, and a majority of the Trustees contacted and polled agree to hold the special meeting. Emergency meetings may be held if telephonic notice to all of the Trustees is attempted and a Quorum (defined in Section 3.7 below) verbally consents to the emergency meeting.
- D. Meeting at a Place other than the Principal Place of Business. Notice of a meeting to be held at a place other than the Principal Place of Business shall be given as provided by law.

3.5. NOTICE TO TRUSTEES

The Clerk or other designee shall notify all Trustees of all regular and, when possible, special meetings of the Board by posting a notification on the District's cloud-based internet drive at least 24 hours in advance of the meeting. Such notification shall include the date and time of the meeting as well as a copy of the previous meeting's minutes and the agenda for the present meeting.

3.6. CONDUCT OF MEETINGS

- A. All meetings of the Board shall be conducted according to Robert's Rules of Order when requested by a Trustee and shall comply with the Open Meetings Act.
- B. The Chair is responsible for the content of each meeting and will review and approve the agenda for each meeting. Any Trustee shall have the right to place any matter on the agenda if notice of the agenda item is given to the Clerk at least 48 hours in advance of the meeting. The Chair is not obligated to place any item on the agenda except for those items proposed by a Trustee or Trustees. The meeting shall generally follow the agenda; however, changes in the order of agenda items may be made in the sole discretion of the Chair upon the advice of the General Manager or any Trustee.

3.7. QUORUM

A majority of the number of Trustees shall constitute a quorum for the transaction of District business (a "Quorum"). A majority vote of a Quorum upon a matter which may be voted upon at a meeting held in accordance with this Manual shall be sufficient for the determination of such matter, except as required otherwise by statute.

3.8. NO PROXY

No Trustee may appoint another individual, by proxy or otherwise, to assume the Trustee's responsibilities as a Trustee.

3.9. OPEN AND CLOSED MEETINGS

A. Open Meetings. An open and public meeting is when the majority of the Board meets to discuss or act upon business of the District. Public meetings include workshops or executive sessions, but do not include chance or social meetings. **[See Utah Code 52-4-103, 52-4- 201(2) and 52-4-208]** A meeting is open to the public unless it is closed pursuant to Section 3.9.B.

B. Closed Meetings. Except as otherwise directed by the Board, closed meetings shall be open only to Principal Officers, other officers and employees (as may be necessary), experts and consultants, legal counsel, Trustees, and District staff. A closed meeting may be held if (i) a Quorum is present (ii) the meeting is an open meeting for which notice has been given pursuant to state law and (iii) two-thirds of the Trustees present at the open meeting vote to approve closing the meeting. A closed meeting may be held for any of the following purposes: **[52-4-204 and 52-4-205]**

1. Discussion of the character, professional competence, or physical or mental health of an individual.
2. Strategy sessions to discuss collective bargaining.
3. Strategy sessions to discuss pending or reasonably imminent litigation.
4. Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms.
5. Strategy sessions to discuss the sale of real property when: (a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms; or (b) the District previously gave public notice that the property would be offered for sale; and (c) the terms of the sale are publicly disclosed before the District approves the sale.
6. Discussion about deployment of security personnel, devices or systems.
7. Investigative proceedings regarding allegations of criminal misconduct.

C. Actions Taken. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

3.10. MINUTES OF MEETINGS TO BE KEPT

A. Open Meeting. Written minutes and a recording of all open meetings shall be kept. Such minutes shall include:

1. The date, time, and place of the meeting.
2. The names of Trustees present and absent.
3. The substance of all matters proposed, discussed, or decided, and a record, by individual Trustee, of votes taken.
4. The names of all persons who appeared who are not Trustees or officers of the District and the substance in brief of their testimony or comments.
5. Any other information that any Trustee requests be entered in the minutes.

Minutes shall not be “final” or “official” until the Board has formally approved them. [52-4-203 (4)(a)(i)] Notes and/or draft minutes prepared by or at the direction of the Clerk may be destroyed any time after the minutes are formally approved by the Board.

The Clerk shall: (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes; (ii) within three business days after approving written minutes, make the approved minutes available to the public; and (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

B. Closed Meeting. Unless the closed meeting is called for purposes specified in Section 3.9.B.1 or 3.9.B.6, in which case the presiding officer shall sign a sworn statement affirming the purpose of the meeting, a tape recording shall be kept of the closed portion of the meeting. Written minutes also may be kept. If minutes are kept, they shall include: [52-4-204]

1. The date, time, and place of the meeting.
2. The names of Trustees present and absent.
3. The names of all others present.
4. The content of the meeting.

Tape recordings and written minutes of the closed meeting are protected records under Utah Code Title 63G, Chapter 2 of the Utah Government Records Access and Management Act (“GRAMA”). Any person who violates the provisions GRAMA is subject to the criminal penalties contained in GRAMA [63G-2-801].

Tape recordings and written minutes of closed meetings may be disclosed pursuant to a Court order only as provided in section 52-4-304 of the Utah Code.

3.11. PUBLIC MEETINGS

- A. All members of the general public may attend the open meetings of the District.
- B. If the agenda of the open meeting contains an item for public comment, members of the general public in attendance at the open meeting may, in the discretion of the Chair, be allowed to make comments. If the Chair allows members of the general public to make comments, the Chair, in the Chair's sole discretion, may restrict public comments to a limited amount of time, e.g. two minutes per speaker and restrict public comments to matters that are on the agenda for the meeting. The rules set forth in Section 3.12.B. for public hearings are also applicable to the open meetings of the Board.
- C. If the agenda of the open meeting does not contain an item for public comment, members of the general public in attendance at the open meeting may not make comments at the open meeting, unless the Chair elects to allow a comment or comments, which election is in the sole discretion of the Chair. If the comment or comments allowed by the Chair pertain to a topic or topics which are on the agenda of the open meeting, the Board may take final action on that topic. The Board may not take any final action at a meeting on a topic if that topic is not on the agenda for the meeting. If an item for public comment is not on the agenda for the meeting, the Chair, in the Chair's sole discretion, may elect to not hear any comments or, if the Chair allows one or more comments, the Chair is not obligated to allow other comments.
- D. Unless the meeting is an emergency meeting, the Board may not take final action on a topic in an open meeting unless the topic is (i) listed under an agenda item and (ii) included with the advance public notice of the meeting required by law.
- E. A person may be removed from a public meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised. [52-4-301] A determination of the willful disruption of a meeting to the extent that orderly conduct is seriously compromised may be made by the Board based upon factors such as (i) the continuing ability of the Board to conduct the meeting in an orderly fashion (ii) the extent to which the participant interferes with the orderly business of the Board or (iii) the length and frequency of the comments by a participant, and other factors indicating a willful intention to disrupt the meeting or interfere with the business or affairs of the District.

3.12. PUBLIC HEARING PROCEDURES

- A. Public hearings before the Board shall follow these procedural steps:
 - 1. Declaration that the public hearing is open.

2. Verification that legal notification requirements have been met.
3. Staff presentation.
4. Questions by Trustees.
5. Motion to open public comment session.
6. Call upon individuals desiring to be heard.
7. Motion to close public comment session.
8. Staff response.
9. Questions by Trustees.
10. Board discussion.
11. Vote upon a matter or matters presented at the public hearing or alternatively, a motion to take a matter or matters under advisement (which may be voted upon in a subsequent public meeting).
12. Motion to adjourn/close public hearing.

B. The following rules shall be observed during public hearings before the Board:

1. Each speaker shall be called by the Chair and at the discretion of the Board.
2. Speakers shall state their names, addresses, interests in, and affiliations to the agenda items and, if representing another person, whom they represent before beginning their comments.
3. Speakers shall address their comments to the Chair, and they shall not debate with other meeting attendees or make personal attacks.
4. A predetermined time limit shall be placed on speakers. A speaker cannot combine his time with another (e.g., Speaker "X" cannot give his time to Speaker "Y" so that Speaker "Y" has double the time), and the Chair will not recognize redundant speakers/comments.
5. To permit everyone the opportunity to hear the proceedings, attendees shall be as quiet as possible.
6. The hearing is designed for civil discussion. Therefore, attendees shall not jeer, cheer, yell out comments, or clap.
7. Attendees shall not display any signs or distribute any handouts or flyers in the hearing room.

8. After the close of the public comment period, discussion shall be limited to Trustees and staff.
- C. The Chair or other Trustee designated by the Chair to conduct the meeting (the “Conducting Trustee”) shall enforce the procedures and rules set forth above in subsections A and B. At the Conducting Trustee’s discretion and consistent with this Manual, the Conducting Trustee may take such additional actions as will promote an orderly and efficient public hearing.

3.13. ELECTRONIC MEETINGS

- A. In accordance with the Open Meetings Act, the Board may convene and conduct any meeting in which one or more of the Trustees participate electronically, as set forth below.
1. If one or more of the Trustees desires to participate in an electronic meeting ~~without being physically present in the Anchor Location (defined below) at the date and time of the meeting.~~
 2. The notice for and procedures of the meeting shall conform to the Open Meetings Act and to all applicable provisions of this Manual.
 3. The primary anchor location (the “Primary Anchor Location”) for all electronic meetings shall be the board room of the District’s Administration Building, 3932 South 500 East, Salt Lake City, Utah. At its discretion, the Board may select an alternative anchor location, as long as the anchor location selected provides space and facilities so that interested persons and the public may attend and monitor the open portions of the meeting and, if comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location such that interested persons and the public may attend, monitor, and participate in the open portions of the meeting. The Primary Anchor Location or the alternative anchor location chosen by the Board is hereinafter referred to as the “Anchor Location.”
 4. If the Anchor Location is not the Primary Anchor Location, the District shall post notice of the meeting at the alternative Anchor Location.
 5. In addition to the public notice provided in the Open Meetings Act and this Manual, the District shall give notice of the electronic meeting to the Trustee or Trustees who wish to participate electronically at least twenty-four (24) hours before the scheduled start of the meeting and shall provide a conference call in number in order to allow their participation.
 6. If a Trustee who wishes to participate in an electronic meeting does not call in on the conference call-in number in order to join the meeting, within 10 minutes after the scheduled starting time, the Trustee or Trustees who are

physically present at the Anchor Location may either (i) attempt to contact the Trustee or Trustees who are not physically present in order to allow them to participate by dialing the call-in number or (ii) if a Quorum is physically present at the Anchor Location, commence the meeting without the Trustee who is not physically present at the Anchor Location.

- B. The following constitute procedures for the electronic meetings:
 - 1. Minutes of the meeting shall note that the meeting was conducted electronically in accordance with the Act and this Manual. The minutes shall identify those Trustees physically present and those participating electronically.
 - 2. All parties participating electronically should be able to hear and to speak with each other and all present in the Anchor Location.
 - 3. Trustees and parties in the Anchor Location should be able to hear and to speak with those participating electronically.
 - 4. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a Quorum and voting.
 - 5. If visual aids or documents are to be presented or used at the meeting, the Board shall make reasonable efforts to provide copies to each person participating electronically.
- C. At the conclusion of the meeting, persons attending electronically shall verbally certify that they participated in the entire meeting. [52-4-207]

CHAPTER 4

DISTRICT ADMINISTRATION

4.1. STRUCTURE OF DISTRICT ADMINISTRATION

- A. The District Administration consists of the Principal Officers and other administrative officers (collectively, the “Administrative Officers”).
- B. Each Administrative Officer shall have such authority as is necessary to enable the Administrative Officer to carry out the duties and responsibilities set forth in this Manual, or pursuant to the rules, regulations, and policies of the District.
- C. The General Manager may direct any department to furnish another department with service, labor, and/or materials.

4.2. INSURANCE FOR TRUSTEES, PRINCIPAL OFFICERS, AND EMPLOYEES

The Board, through the Treasurer, at the District's expense, shall keep in force crime and management liability insurance policies covering the Trustees, the Principal Officers, and other District employees charged with the handling of District funds or which are deemed to be a "public treasurer" under the Money Management Act in amounts set by the Board with insurance carriers selected by the Board. [17B-1-301(2)(e)] [17B-1-303(7)(a)]

4.3. GENERAL MANAGER

- A. Administrative Powers Vested in General Manager. The General Manager shall be the chief executive officer of the District. The administrative powers of the District are vested in and exercised by the General Manager and the subordinate administrative officers.
- B. Appointment of General Manager. The Board shall appoint the General Manager by majority vote, on the bases of her or his ability, integrity, education, and prior experience relating to the duties of the office, including but not limited to, abilities of public administration, leadership and managerial capabilities.
- C. Compensation of General Manager. The Board shall determine the General Manager's compensation and shall review such compensation annually.
- D. Power and Duties.

The General Manager shall:

1. Evaluate and modify existing District organization and procedures.
2. Enforce and observe applicable laws, rules, regulations.
3. Execute leases, permits, contracts (excepting execution of those documents and contracts specified in Section 2.11.B), licenses and privileges granted to or enforceable by the District.
4. Attend all meetings of the Board and participate in its discussions and deliberations.
5. Carry out the policies and programs established by the Board.
6. Consult with and advise District officers and other department heads, personnel and employees.
7. Direct the day-to-day activities of the District.
8. Make inquiries into and conduct investigations into all District activities.
9. Coordinate all District departments.

10. Examine all proposed contracts to which the District may be a party.
11. Prepare and maintain an up to date inventory of all property and assets of the District.
12. Examine and inspect the books, records, and official papers of any office, department, agency, board or commission of the District.
13. Submit to the Board plans and programs relating to the needs of the District.
14. Develop and/or require such annual or special reports and measures concerning the financial, administrative and operational activities of the District as the General Manager may deem expedient in the interest of the District.
15. Investigate, examine or inquire into the affairs or operation of any department, division or office, and when so authorized by the Board, and may employ consultants and professional counsel to aid in such investigations, examinations and inquiries
16. With the assistance of the Chief Financial Officer and other professionals as may be advisable (i) be informed of and analyze the District's financial condition (ii) determine the adequacy of tax levies, special and other assessments and charges, rates and charges, impact fees, and evaluate revenue streams to meet current and long term obligations (iii) schedule and cause appropriate notice of all required public hearings before the Board to be published, as required by law, including, but not limited to public hearings related to tax rates and fee increases, and the preliminary and annual budget (iv) maintain an adequate accounting system (v) prepare financial estimates for the preliminary and final annual budgets of the District as assisted by the Chief Financial Officer (vi) advise the Board of the financial condition and needs of the District and (vii) approve expenditures.
17. Establish standards, qualifications, criteria and procedures to govern the appointment of District officers, department heads and other supervisory personnel within the respective organizational units of the District.
18. Appoint a qualified person to each of the offices of Assistant General Manager, District Engineer, and Chief Financial Officer and create other offices, appoint officers, department heads, and supervisory personnel as the General Manager may deem necessary for the governance of the District.
19. Regulate and prescribe the powers and duties of all officers, department heads, and supervisory personnel of the District.

20. Establish policies and procedures addressing safety and other employee related programs within the District.
21. Employ and maintain a qualified staff of employees capable of carrying out assigned job responsibilities.
22. Perform or oversee annual employee performance reviews.
23. Suspend, remove and/or terminate as necessary District officers, department heads, supervisory personnel and other employees of the District, consistent with the Personnel Policy.
24. Establish standards, qualifications and procedures to govern the employment of District personnel.
25. Assign any employee of the District to any department or division requiring services appropriate to the personnel system classification and skill of the employee so assigned.
26. Implement and administer plans approved by the Board for the compensation of District officers, department heads, supervisory personnel and other employees.
27. Develop, implement and administer personnel rules and regulations approved by the Board.
28. Provide for and/or oversee the proper operation, maintenance, repair, and replacement of all District assets and infrastructure.
29. Except for instruments and documents to be executed by the Chair pursuant to Section 2.11. B., execute and enter into documents and agreements which have been reviewed by another Principal Officer, a District department head, supervisor, or the District's attorney.
30. Develop an effective information and education program to build positive public relations for the District and maintain good relations with Federal, State, and local governments and the general public served by the District.
31. Report to the Board as directed by the Board, notify the Board of any emergency or exigent situation affecting the District and keep the Board fully informed of all important aspects of the District's operation and management.

If the General Manager is unable or unavailable to perform any of the duties and responsibilities set forth above and an Assistant General Manager has been appointed, the Assistant General Manager shall perform any of the duties and responsibilities that the General Manager is then unable or unavailable to perform

in behalf of the General Manager until the General Manager is again available and/or able to perform such duties and responsibilities. If an Assistant General Manager has not then been appointed, the Chief Financial Officer shall perform any of the duties and responsibilities that the General Manager is then unable or unavailable to perform in behalf of the General Manager until the General Manager is again available and able to perform such duties and responsibilities.

- E. Supplemental Powers and Duties. In addition to the powers and duties enumerated in Section 4.3.D, the General Manager may:
1. Authorize an officer or department director to appoint and remove employees serving under that officer or department director.
 2. Designate another officer or employee under the General Manager's control to perform the duties of any office or position under the General Manager's control which is vacant or which lacks administration due to the absence or disability of the incumbent.
 3. Designate, in his absence, an officer to direct District activities and to make such decisions as are required in his absence and otherwise authorize any officer or employee to exercise any power or duty granted to the General Manager and fulfill the responsibilities of his office with the assistance of other District staff.
 4. Delegate such responsibility to other District officers, department directors and other supervisory personnel as in his judgment will benefit the operations and functions of the District. Notwithstanding the foregoing, the General Manager retains the ultimate responsibility for any task, duty or responsibility delegated to others.
 5. Investigate, examine or inquire into the affairs or operation of any department, division, or office, and when so authorized by the Board, the General Manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.
- F. Working Time. The General Manager shall devote his or her full attention to the performance of these duties and shall not engage in other employment without the consent of the Board.
- G. Agreements with General Manager. The District and the General Manager have entered into the General Manager Agreements, which further set forth the duties and rights of the District and the General Manager. In the event of a conflict between the relevant terms or provisions of this Manual and the General Manager Agreements, the relevant term or provision of the General Manager Agreements shall control.

4.4. ASSISTANT GENERAL MANAGER

- A. Appointment of Assistant General Manager. The General Manager may appoint a qualified Assistant General Manager. Any of the Principal Officers may be appointed as the Assistant General Manager and may serve both as Assistant General Manager and continue to serve in her or his role as a Principal Officer.
- B. Duties of Assistant General Manager. If an Assistant General Manager is appointed, the Assistant General Manager shall serve in the absence or incapacity of the General Manager and shall assume those powers and duties granted the General Manager. If no Assistant General Manager is appointed, and the General Manager is unable or unavailable to fulfill his or her duties and assignments, the Chief Financial Officer shall act as General Manager until the General Manager is again able and available to fulfill her or his duties and assignments or until a new General Manager is appointed by the Board.

4.5. DISTRICT ENGINEER

- A. Appointment of District Engineer. The General Manager shall designate and appoint a qualified professional engineer, licensed under the laws of the State of Utah, to be the District Engineer.
- B. Duties of the District Engineer. The District Engineer shall act as the District's engineer, perform those duties as required by law, rule, or regulation and perform engineering work and such other duties as assigned by the General Manager.

4.6. CHIEF FINANCIAL OFFICER

- A. Appointment of Chief Financial Officer. The General Manager shall appoint a qualified person to be the Chief Financial Officer.
- B. Duties of Chief Financial Officer. The Chief Financial Officer shall act as the primary financial officer of the District and perform such other duties as assigned by the General Manager.

CHAPTER 5

FISCAL PROCEDURES

5.1. BUDGET OFFICER

The General Manager shall function as the budget officer (the "Budget Officer"), as designated in the Utah Uniform Fiscal Procedures Act for Local Districts [17B-1-601, 17B-1-617]. The General Manager is authorized to make expenditures for:

- A. Payroll.

- B. Repetitive contractual obligations (utility bills, for example).
- C. All items approved by the Board in the annual budget or by specific Board action.

5.2. PREPARATION OF BUDGET

- A. At least 7 days before the first regularly scheduled meeting of the Board in November, the Budget Officer, with the assistance of the Chief Financial Officer, shall prepare for the upcoming fiscal year, and file with the Board, tentative revenue, operating and capital budgets, together with specific work programs and any other supporting data required by the Board.
- B. The Board shall review and consider the tentative budget at any regular meeting or special meeting called for that purpose. The Board may make any changes considered advisable in the tentative budget, pursuant to statute.
- C. The Board shall adopt operating and capital budgets for the ensuing fiscal year before the beginning of each fiscal year. A copy of the budget is filed with the Utah State Auditor within thirty days after adoption.
- D. Upon final adoption, the operating and capital budgets shall be in effect for the budget year, subject to later amendment. During the budget year the Board may review the operating and capital budget, in any regular meeting or special meeting called for that purpose.
- E. The Board may reopen the budget at any time during the fiscal year by properly noticing the meeting in accordance with statute.
- F. The budget may contain a District contingency to pay for any unanticipated expenses or to cover budget line item overruns. The contingency may be used only upon approval of the Board.
- G. Funds designated for a particular department's use within a budget line item may be utilized by a different department with the approval of the General Manager.
- H. When a total line item appropriation is exceeded, the overrun may be covered by a transfer from another line item in the same department budget with the approval of the General Manager or the overrun may be covered by a transfer from the District contingency, as approved by the Board.

5.3. COMPLIANCE REPORTING

- A. The Treasurer or Chief Financial Officer shall prepare and present to the Board monthly summaries and detailed financial reports, showing the financial position and operations of the District for that month and the year-to-date status.

- B. Within 180 days after the close of each fiscal year, the Treasurer or Chief Financial Officer shall present to the Board an annual financial report prepared in conformity with generally accepted accounting principles. This requirement may be satisfied by presentation of the audit report furnished by the independent auditor, if the financial statements included therein are appropriately prepared and reviewed with the Board.
- C. The General Manager is responsible for the compliance with applicable state laws requiring the reporting of information to the state auditor, public notice website and the public notice finance website (transparency). The General Manager, or designee, will report compliance with these laws to the Board, as applicable.

5.4. INDEPENDENT AUDITOR

- A. The independent auditor has the responsibility of reporting whether the District's financial statements are prepared in conformity with generally accepted accounting principles. The Board is responsible for the retention of an auditor and directing the audit function. Copies of the annual financial report or the audit report furnished by the independent auditor shall be given to each Trustee, filed with the Utah State Auditor's Office and shall be filed as a public document in the office of the District. **[17B-1-640]**
- B. The Board shall select its auditor pursuant to the "District Purchasing Policy" (defined in Section 6.1, below).

5.5. CHECKS

- A. District checks shall be issued using the following procedures:
 - 1. All checks shall contain appropriate security measures. A voucher copy of each check shall be printed or photocopied and attached to the invoice being paid. A check register shall be made available to the Treasurer and shall be reviewed and initialed for approval.
 - 2. All checks shall be signed by (i) two of the Trustees, or (ii) one of the Trustees and the Treasurer.
- B. Disbursements for payroll and disbursements for budgeted items in the operation and maintenance fund, together with all other disbursements approved by the Board may be made by checks, processed through ACH transfers, or in any other manner approved by the Board.

5.6. CREDIT CARDS

- A. The General Manager may acquire credit cards to be used in the purchase of goods and services for the District. The credit cards may be used by the General Manager, the District Engineer, the Lines Superintendent, and other employees as determined

by the General Manager. The same policies apply when purchasing goods and services with a District credit card as outlined in the District Purchasing Policy.

5.7. APPROVAL OF DISTRICT EXPENDITURES

- A. Except for purchases made by the “Procurement Officer” (as said term is defined in the “District’s Purchasing Policy” referenced in Section 6.1 below – currently the General Manager) or his/her designee and except as otherwise specifically authorized by the Board, no officer or employee of the District shall purchase for and on behalf of the District any material or supplies, goods, wares, merchandise, or services of any kind or character, and no voucher, check or other method of payment shall be honored if this procedure is not followed; provided, however, that this Subsection shall not apply to emergency purchases as specifically provided in the District Purchasing Policy.
- B. The Board approves expenditures of the District pursuant to the budgeting and other processes described herein. The Board is also authorized to execute other instruments and documents pursuant to Section 2.11 above. Additionally, the Procurement Officer, the Chief Financial Officer and/or any other person designated by the Board to act as the “budget officer” [17B-1-601(3)] and/or the “financial officer” [17B-1-642(2)] of the District under the provisions of Utah Code Ann. §§17B-1-601 *et. seq.*, may issue payroll disbursements that are prepared in accordance with a schedule approved by the Board and pay routine expenditures such as utility bills, payments for supplies and materials, withholding deposits for federal, state and FICA, the District’s share of FICA, withholdings for health and life insurance, bond payments when due, and make transfers from one fund to another as part of routine bookkeeping procedures.
- C. The Board shall, at least quarterly (preferably monthly), review all expenditures authorized by the Procurement Officer or the Chief Financial Officer under subsection B., above. [17B-1-642(3)]
- D. Notwithstanding subsection B., above, the following expenditures and purchases may be approved by the Budget Officer:
 - 1. The expenditures allowed to be approved by those officers listed in subsection B., above;
 - 2. Progress or periodic payments for any contract approved by the Board;
 - 3. Periodic payments for any indebtedness approved by the Board; and,
 - 4. Payments for any employee compensation plan or policy adopted by the Board and approved by the Board in the then-current budget, including but not limited to the tuition assistance program, service awards, and other post-employment benefits consistent with the District’s resolutions, rules and policies.

- E. Notwithstanding subsection B., above, the Procurement Officer, or a designee, may approve payments from the self-insurance retention, not to exceed the fund balance approved by the Board in the then-current budget, to pay for damages sustained by the District in an effort to maintain operations or security or to satisfy claims for damages sustained by a third party for which the District allegedly is responsible.

CHAPTER 6

PURCHASING POLICY

6.1. SCOPE

The District adopted its Purchasing Policy by Resolution No. 17-121714-1 (the “Resolution”) on or about December 17, 2014 (the “District Purchasing Policy”), which adopted the Utah Association of Special Districts (“UASD”) comprehensive “Purchasing Policy and Procedures” (the “UASD Purchasing Policy”), with exceptions. The UASD Purchasing Policy will be updated from time-to-time. It is located on the UASD website. The UASD Purchasing Policy, as constituted from time-to-time, with the exceptions set forth in the District Purchasing Policy shall be and is the official District Purchasing Policy, automatically including future amendments and modifications made by UASD to the UASD Purchasing Policy. Subject to the exceptions listed in the Resolution and in future resolutions of the District, the entire UASD Purchasing Policy is adopted by reference as the District’s rules respecting purchases of every type and description.

6.2. BUDGET EXPENDITURES - BOARD OF TRUSTEES APPROVAL

No purchase shall be made, and no encumbrance shall be incurred unless funds sufficient to cover the purchase or encumbrance have been budgeted and are available within the approved budget or unless the Board approves the purchase or encumbrance.

6.3. RESPONSIBILITY FOR BUDGETARY COMPLIANCE

The General Manager is the authorized officer charged with the responsibility of staying within the department budgets and authorizing no expenditures in excess of those budgets as required by the Utah Fiscal Procedures Act for Special Districts (the “Fiscal Procedures Act”).

6.4. STATE CODE PROVISIONS

The District is an Independent Procurement Unit as defined under the Utah Procurement Code (Utah Code Title 63G, Chapter 6a, hereinafter the “Procurement Code”) and, as such, District purchases shall be made in accordance with applicable sections of the Procurement Code and the District Purchasing Policy.

6.5. EXCEPTIONS TO THE UASD PURCHASING POLICY

The District has adopted certain exceptions and modifications to the UASD Purchasing Policy by the Resolution and future resolution(s). Copies of the Resolution and future resolutions can be obtained from the District Clerk.

6.6. CAPITALIZATION VERSUS EXPENSE

The District's current capitalization amount for the purchase of fixed assets (the "Capitalization Amount") is \$5,000. The Capitalization Amount may be changed by the District from time to time. Purchases of fixed assets in amounts equal to or greater than the Capitalization Amount will be capitalized and included on the District's balance sheet. These purchases will include, but are not limited to:

LAND: Including acquisition costs.

BUILDINGS: Permanent structures to house persons and property.

IMPROVEMENTS OTHER THAN BUILDINGS: Permanent improvements, other than buildings, which add value to the land.

OTHER ASSETS such as:

- Office Furniture and Equipment.
- Machinery and Equipment.
- Automobiles and Trucks.
- Construction Work in Progress.

The purchase of fixed assets for less than the Capitalization Amount shall be expended from the District's Operation and Maintenance budget.

In most cases other expenditures, equal to or in excess of the Capitalization Amount, which provide a significant increase in future service potential of a fixed asset shall also be capitalized as part of the existing asset. To meet the criteria for a capital expenditure, the purchase should extend the useful life of an asset, increase the quantity of service provided by an asset, or increase the quality of service provided by an asset.

Capital expenditures may include the following:

- Additions - enlargements, expansions or extensions of existing assets.
- Replacements and Improvements.
- Rearrangement and Relocation.

Expenditures for normal repairs and maintenance shall not be considered capital expenditures.

The policies contained in this Section 6.6 including the above-stated amounts are subject to change by further resolutions of the District. All further resolutions of the District are incorporated herein upon passage of said resolutions.

CHAPTER 7

PERSONNEL

7.1. EMPLOYEE PERSONNEL SYSTEM

The General Manager shall:

- A. Administer the personnel program of the District.
- B. Formulate personnel principles and programs designed to:
 - 1. Assure that employment in the District is based upon open competition and merit and is free from personal and political considerations.
 - 2. Provide a just, equitable and market-based compensation plan to promote high morale, efficiency and economy in the operation of the District.
- C. Prepare and revise classification plans and job descriptions.
- D. Recommend salary schedules for approval by the Board.
- E. Establish and maintain a roster of all employees, setting forth each officer and employee, class, title of position, salary, any changes in class, title or status, and such other data as may be deemed desirable or useful.
- F. Maintain an accurate organizational chart.
- G. Develop, acquire, and administer such recruiting and examining programs as may be necessary to obtain competent applicants to meet the needs of the District.
- H. Propose, develop, or otherwise acquire and coordinate training and educational programs for District employees.
- I. Search for and inquire about ways and means of improving personnel procedures.
- J. Develop a workable performance evaluation system.
- K. Prepare a document or table of organization approved by the Board, which may be updated from time to time. Updates shall be approved by the Board.

7.2. ADOPTION OF PERSONNEL POLICY

The General Manager prepared and presented to the Board such personnel rules and regulations in the form of personnel policies, entitled “*Mt Olympus Improvement District Personnel Policy*” that the General Manager and the Board deemed appropriate (the “Personnel Policy”). The Personnel Policy may be updated from time to time and amended by resolution of the Board. The District shall annually review its personnel policies to ensure that they conform to the requirements of state and federal law. [17B-1-802]

Notwithstanding any other provision of this Manual to the contrary, the General Manager may administratively reorganize job positions in the District by assigning an employee to another position without first posting the vacancy in that position. The reassignment may result in an adjustment in the employee’s compensation and financial benefits.

CHAPTER 8

RISK MANAGEMENT

8.1. INSURANCE

The District shall purchase property, general liability, automobile and other insurance to protect the District’s assets and employees. The District is self-insured for the amount of the deductible(s) on all potential insurance claims.

8.2. PROCEDURE FOR FILING AND PROCESSING OF CLAIMS

- A. The procedures for filing and settling claims and the procedures for resolving disputes regarding decisions of the District shall conform with the Regulations and/or the Governmental Immunity Act of Utah, Utah Code Section 63G-7-401, et seq. (the “Governmental Immunity Act”).
- B. The General Manager may prescribe the use of forms and promulgate administrative procedures not inconsistent with the Governmental Immunity Act to expedite the claims-processing procedures of the District.
- C. The General Manager shall periodically advise the Board concerning claims that have been filed against the District.

8.3. INDEMNIFICATION OF EMPLOYEES

Trustees, officers, and employees of the District shall be indemnified for acts or omissions occurring during the performance of their duties, within the scope of employment, or under color of authority, pursuant to the provisions of the Governmental Immunity Act. [63G-7-902]

8.4. SAFETY, HEALTH AND RISK MANAGEMENT POLICY STATEMENT

- A. The District's Safety and Risk Management Policy is to protect the District against accidental losses which, in the aggregate, during any financial period, would significantly affect personnel, property, the budget, or the ability of the District to fulfill its responsibilities to its customers, employees, taxpayers, and the public.
- B. District staff is directed to implement a risk management process which shall include (i) systematic risk identification (ii) risk and hazard evaluation (iii) safety, training and loss control activities (iv) claims processing and (v) program monitoring.
- C. All employees shall promptly report all accidents, claims and injuries; when requested, cooperate and assist the District in investigating all accidents and injuries; be aware of all department safety rules and procedures; properly use all safety equipment and devices; and be safety conscious.
- D. Staff shall prepare a budget recommendation to the Board to fund selected methods and procedures for reducing the identified risks and to implement safety training activities. At least annually, the General Manager shall prepare a report to the Board summarizing the losses incurred by the District, their causes, and risk and loss prevention activities implemented by the District.
- E. The District has a safety manual (the "Safety Manual") that outlines the objectives of carrying out this policy. The District also has a safety coordinator (the "Safety Coordinator") who reports directly to the General Manager. The Safety Coordinator's duties and responsibilities are contained in the Safety Coordinator's job description. The Safety Manual will be revised and updated from time to time by the General Manager and the Safety Coordinator.
- F. Each employee of the District is considered to work in a safety sensitive position and should carry out his/her duties in such a manner. Any employee who does not follow this policy may be subject to discipline up to and including termination.

8.5. EMERGENCY RESPONSE POLICY

- A. The District has developed an emergency response plan which includes procedures for employee response during emergency situations. In addition, the District will develop security procedures that are designed and intended to provide for protection of its facilities, property and employees from criminal acts to the extent reasonably practicable.
- B. The District has a responsibility to the public to maintain 24-hour emergency response in case of a disaster. All employees should be available to report to a designated emergency response location or locations as soon as possible after securing the safety of their families.
- C. All employees are required to be familiar with and comply with the District's emergency response plans and procedures and security procedures. The District

will provide training to all employees regarding emergency response and security procedures. Disregard or violation of emergency response and security procedures in the performance of duties or work will result in disciplinary action, up to and including termination.

CHAPTER 9

INVESTMENT/DEBT MANAGEMENT POLICY

9.1. INVESTMENT POLICY

The District shall invest its cash assets in such a manner as to comply with the requirements of the Utah State Money Management Act (the “Money Management Act”) [51-7-1] to maintain the integrity of the corpus of all investments and to provide for necessary liquidity. Within those restrictions, the District shall attempt to obtain the highest return possible, while maintaining the safety and security of all investments.

- A. Scope: The investment policy of the District shall include all cash balances that may exist periodically in all accounts of the District. Also, if it is in the best interest of the District to acquire investments in larger blocks than there are monies in any particular fund, the District Treasurer may elect to consolidate certain accounts to maximize investment earnings.
- B. Objectives: The objectives of the investment policy include the following:
 - 1. To provide for the safety of principal, preservation of capital and the mitigation of risk.
 - 2. To provide for the liquidity necessary to match the District’s cash requirements.
 - 3. To sustain or increase (as reasonably practicable) earnings through higher yielding secure investments.
- C. Policy: The following shall be the investment policies of the District:
 - 1. Prudence: All investment activities shall be conducted with the same degree of judgment and care, under circumstances then prevailing, which persons of ordinary prudence, discretion and intelligence exercise in the management of their own affairs. District Trustees, officers, employees and professionals retained by the District that act in the capacity of public treasurers, as defined in the Act, so long as they are acting in accordance with written procedures and this investment policy, and while exercising due diligence, shall be relieved of personal responsibility for credit or market price changes of any investment security, provided that deviations

from expectations are reported in a timely fashion and appropriate action, if necessary, is taken to control adverse developments.

2. **Ethics and Conflicts of Interest:** Trustees, officers and employees and retained professionals involved in the investment process, shall refrain from personal business activity that could conflict with proper execution of this investment policy, or which could impair their ability to make impartial investment decisions. Any conflict of interest with this investment policy shall be reported to the General Manager and to the Board of Trustees. Trustees, officers, employees, and retained professionals shall comply with the Utah Public Officers and Employees Ethics Act (the “Ethics Act”) in all respects. [67-16-1, et. seq]
3. **Delegation to the Treasurer:** The Treasurer shall be responsible for all investment activities and shall establish procedures for conducting investment activities consistent with this policy. The Treasurer shall maintain a system of checks and balances and internal controls so that District funds are protected from loss, theft and fraud. The Treasurer may invest funds without prior Board approval, provided the investments (i) are similar to other investments previously made by or on behalf of the District; (ii) do not expose the District to unreasonable risk or expense; (iii) comply with the Money Management Act and the provisions of this policy; and, (iv) do not use an interest rate swap, a forward delivery agreement, or similar instrument.
4. **Reporting:** The Treasurer shall report the status of investments at least semi-annually to the Board.

9.2. DEBT MANAGEMENT POLICY

- A. **Purpose:** The purpose of this policy is to establish a set of parameters by which debt obligations will be undertaken by the District. This policy reinforces the commitment of the District and its officials to manage the financial affairs of the District so as to minimize risk, avoid conflicts of interest and ensure transparency while still meeting the District’s capital and liquidity needs. A debt management policy signals to the public and the rating agencies that the District is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Utah regarding the adoption of a debt management policy.
- B. **Goal:** The goal of this policy is to assist decision makers in planning, issuing, and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, great stability over the long-term will be generated by the use of consistent guidelines in issuing debt.

- C. Objective: This policy will assist in the capital planning funding decision to determine the amount and type of debt to be issued, in the debt issuance process (including the determination of the acceptable level of risk for a debt transaction), and in the management of debt and to provide limits:
- On the amount of debt outstanding and on the amount of annual debt service
 - On the use of and justification for variable-rate debt
 - On the use of and justification for debt structures other than level principal or level debt service
 - On the maximum maturities of debt
 - On the timing of principal and interest payments
 - On the use of credit enhancements
 - On the use of debt related derivatives
- D. Definition of Debt: All obligations of the District to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of District resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bond or from another internal fund).
- E. Transparency: The District shall comply with legal requirements for notice of public meetings related to debt issuance. All costs (including principal, interest, issuance, continuing, and one-time) shall be clearly presented and disclosed to the District's customers and the Board in a timely manner. The terms and life of each debt issue shall be clearly presented and disclosed in a timely manner. A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed in a timely manner.
- F. Debt Management Strategies: To achieve its financing objectives above, the District will adopt the following debt management strategies and procedures:
1. Role of Debt: Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement or long-term capital plans of the District and/or Central Valley.
 2. In accordance with Generally Accepted Accounting Principles pertaining to governmental entities and state law,
 - a. The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed 30

years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

- b. Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence.
- G. Types and Limits of Debt: The District will seek to limit total outstanding debt obligations based on the need and circumstances of the District as determined by the Board. The limitations on total outstanding debt must be reviewed prior to the issuance of any new debt. The District will seek to structure debt with level or declining debt service payments over the life of each individual bond issue or loan. The District may use capital leases to finance short-term projects.
- H. Use of Variable Rate Debt: The District recognizes the value of variable rate debt obligations and that issuers have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements. However, the District also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks; including:
 - 1. The District will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.
 - 2. Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the District's Board shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the insurance fail.
 - 3. Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the District's Board shall be informed of the potential effect on rates as well as any additional costs that might be incurred should the letter of credit fail.
 - 4. Prior to entering into any variable rate debt obligation, the Board will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.
 - 5. The District shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any variable rate debt obligation.
- I. Use of Derivatives: The District chooses not to use derivative or other exotic financial structures in the management of the District's debt portfolio.
- J. Costs of Debt: All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or

charges) shall be disclosed prior to action by the Board in accordance with the notice requirements stated above. In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue. Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded.

- K. Refinancing Outstanding Debt: The District will refund debt when it is in the best financial interest of the District to do so. The decision to refinance must be explicitly approved by the Board, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations. The District will consider the following issues when analyzing possible refunding opportunities:
1. Onerous Restrictions – Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.
 2. Restructuring for Economic Purposes – The District will refund debt when it is in the best financial interest of the District to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities may be considered if the refunding generates positive present value savings.
 3. Term of Refunding Issues – The District will refund bonds within the term of the originally issued debt. However, the District may consider maturity extension, when necessary to achieve a desired outcome, provided such extension is legally permissible. The District may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.
 4. Escrow Structuring – The District shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the District from its own account.
 5. Arbitrage – The District shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding.
- L. Risk Assessment: Risk assessment on the effect of the outstanding debt portfolio shall be performed annually and presented to the Board as part of the annual budget approval process or a debt management report. Risk assessment is done to determine the impact of the debt portfolio on current and future operations.

- M. Financial Services. The District may retain one or more financial advisors on a continuing basis to provide on-going advice pertaining to proposed and existing bond issues, investment of District funds and related matters. The District's financial advisor shall be prepared to provide certain services that shall include, but will not necessarily be limited to, the preparation and presentation of information to rating agencies and bond insurance companies, bond issue structuring, official statement preparation, recommendations pertaining to the selection of underwriter(s), coordination of the particulars of issuing bonds, interface with bond counsel, investment of reserves and funds and related matters. The District desires to maintain continuity in the provision of financial services so long as the quality and cost of such services are maintained at a level acceptable to the District.

CHAPTER 10

PUBLIC RECORDS POLICY

10.1. GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

The District is subject to and complies with the Utah Government Records Access and Management Act, Utah Code Title 63G, Chapter 2 ("GRAMA"). GRAMA provides the basis for the District's information practices including classification, designation, access, denials, segregation, appeals, management, retention and amendment of records. The District adopts GRAMA's standards for classification and designation of its records as public, private, controlled or protected.

10.2. EXECUTIVE/CHIEF ADMINISTRATIVE OFFICER

For all purposes under GRAMA, the General Manager shall be considered to be the District's executive officer and its chief administrative officer.

10.3. FEES

The District shall charge and collect those costs and fees allowed by GRAMA for responding to a request for a record, specifically including but not limited to those in GRAMA. The General Manager may waive any cost or fee in accordance with GRAMA.

10.4. REQUESTS FOR RECORDS

Unless otherwise available on the Utah Open Records Portal Website, a request for a District record pursuant to GRAMA shall be directed to the District Clerk, with a copy to the District General Manager, at 3932 South 500 East, Salt Lake City, Utah 84107-1895.

CHAPTER 11

MISCELLANEOUS POLICIES

11.1. DISTRICT RULES AND REGULATIONS

The District has adopted rules and regulations to set forth uniform requirements for users and other persons affecting the facilities of the District and Central Valley in any respect (collectively, the “Regulations”). The Regulations may be amended, revised, restated and/or renamed in the future.

11.2. USE OF DISTRICT ASSETS FOR COMMUNITY OR CHARITABLE CAUSES BY OTHER GOVERNMENTAL ENTITIES, AND FOR EMERGENCIES

- A. District owned properties may be used for community or charitable causes or activities that may not directly enhance the purposes or the mission of the District as long as such activities do not interfere with District functions or operations and such activities are without material cost to the District, if the General Manager specifically approves the cause or activity, and upon terms and conditions required by the General Manager in her or his sole discretion.
- B. The General Manager may make District facilities, equipment, or properties available to other governmental entities, including but not limited to Federal, State or local government entities, on an emergency basis, or on a temporary basis, upon a finding by the General Manager that it is in the best interest of the District to do so.

11.3. USE OF DISTRICT ASSETS FOR POLITICAL PURPOSES

- A. Unless specifically required by law, and except as provided in Utah Code Section 20A-11-1206, the District may not:
 - 1. make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum; or
 - 2. publish on the District’s website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum. [**Utah Code 20A-11-1203(1)**]
- B. District employees and officials shall avoid (i) linking campaign-related social media accounts on the District’s website (ii) using District social media accounts for political purposes, except as allowed by Utah Code, and (iii) making District expenditures of public funds on social media activities which may be reasonably perceived as political campaign-related support.

CHAPTER 12

FUND BALANCE POLICY

12.1. INTENT

These policies relating to the establishment and appropriate management of Fund Balances are intended to be consistent with the Utah Code, applicable portions of the Uniform Fiscal Procedures for Special Districts Act (“Uniform Fiscal Procedures Act” [17B-1-601, et seq.]), applicable portions of the Money Management Act [Section 51-7-1], Rules of the State Money Management Council, and applicable portions of the Local Government Bonding Act, Utah Code Section 11-14-1, et seq.

12.2. DISTRICT’S RESERVES AND FINANCIAL GUIDELINES

The District’s Reserves are intended to be used as a risk-management and solvency tool that is designed to grow with the risks and exposure of the District and allow the District to have cash on hand in the event of an unbudgeted demand for cash. The following guidelines are intended to provide the District with a strong reserve policy to strengthen the District’s financial situation through the maintenance of funds to handle cost overruns in the annual operations and maintenance expenses, ongoing and major capital repair and replacement and by maintaining cash to cover immediate cash needs resulting from emergencies or for unforeseen costs.

12.3. PURPOSE OF POLICY

In order to maintain financial integrity, the District maintains a high credit rating, provides for adequate planning, and will target the maintenance of certain fund balances as discussed below.

12.4. ENTERPRISE FUND ACCOUNTING

The District uses the enterprise fund method of governmental accounting in accordance with generally accepted accounting principles for state and local governments as promulgated by the Governmental Accounting Standards Board. Fund balances and classifications of the District are in accordance with these rules and procedures and comply with Utah law.

CHAPTER 13

OWNERSHIP AND RESPONSIBILITY FOR SANITARY SEWER LINES AND APPURTENANCES

13.1. PURPOSE

The purpose of these policies and procedures is to establish rules relating to the ownership, responsibility, and maintenance of sanitary sewer lines and appurtenances.

13.2. DEFINITIONS

The below definitions are general in nature. The District's Regulations, technical specifications, rules, procedures, and website contain more specific and detailed definitions and requirements.

- A. Building Sewer or Lateral Sewer – A Building Sewer or Lateral Sewer is a pipe that connects a residence, building, or structure to a District Main or a Private Main. Building Sewers are typically 4” to 6” in diameter. All portions of a Building Sewer are owned and maintained by the owner of the residence, building, or structure served by the Building Sewer, including portions lying within a public roadway or easement granted to the District.
- B. Private Main – A wastewater collection line owned and maintained by a private party that receives wastewater from one or more connecting sewer lines. Private Mains are generally located in private roadways, within apartment or condominium complexes, or commercial centers but Private Mains may be located in other locations. No easements for Private Mains are granted to the District. All Private Mains are owned, operated, repaired, replaced and maintained by and, at the sole expense of, property owners whose property or properties are served by the Private Main. A Private Main may be operated, owned, maintained, repaired and replaced (as necessary) by a property owner's association or pursuant to an agreement between private parties. The owners of property served by a Private Main are responsible to pay all fees and charges of the District including, without limitation, all impact fees, all monthly fees and charges, and all other fees and charges of the District.
- C. District Main – A wastewater collection line owned and maintained by the District that typically receives wastewater from more than one sewer connecting line. District Mains are typically 8” in diameter or larger and are located in public roadways or easements granted to the District. All existing District Mains are described in the District's records. If a private party or other person desires to construct a sewer main line which the private party or other person desires to be developed and constructed as a new District Main, the private party or other person must follow the rules and procedures of the District with respect to development and construction of new District Mains. The District may refuse to allow a proposed new sewer main line to be developed as a District Main and may require that the proposed new sewer main line be developed as a Private Main, in the District's sole discretion. District Mains constructed by private parties or other persons are subject to acceptance or rejection by the District, in the District's sole discretion.
- D. Private-complex and Shared Use – Private property developed with private structures such as apartments, condominiums, planned unit developments, business centers, and shopping malls. Shared use facilities may be private complexes with more than one parcel being billed together with other parcels, in the sole discretion of the District Engineer.

- E. Single-use – One parcel is served by one Building Sewer – which may include single-family residences, townhomes, and duplexes.

13.3. PUBLICLY-OWNED INFRASTRUCTURE

Part of the District's infrastructure includes District Mains located within public roadways or rights-of-way and/or easements. This infrastructure provides sanitary sewer service to the District's customers that have been connected or will, in the future, connect to these lines. It is the District's responsibility to maintain, repair, and/or replace this infrastructure as necessary to provide continued service to its customers.

13.4. PRIVATELY-OWNED FACILITIES

All Lateral Sewers, Building Sewers, and Private Mains were initially installed (or will be installed) by owners of property within the District's boundaries whose property is served by the District. Lateral Sewers, Building Sewers, and Private Mains are not part of the District's system. The District has no responsibility whatsoever for any Lateral Sewer, Building Sewer or Private Main. All ownership, operation, maintenance, repairs, and replacements of any Building Sewer, Lateral Sewer, or Private Main are the sole responsibility of the property owner or owners whose property is served by the District.