

JORDAN VALLEY WATER CONSERVANCY DISTRICT

# **ADMINISTRATIVE POLICY AND PROCEDURES MANUAL**

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JORDAN VALLEY WATER CONSERVANCY DISTRICT  
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## CHAPTER 1<sup>1</sup> INTRODUCTION

### 1.1 ADMINISTRATIVE POLICY

This Document shall be known as the Jordan Valley Water Conservancy District ("District") Administrative Policy and Procedures Manual.

### 1.2 MISSION AND VISION STATEMENTS

- A. The District was organized as a regional water supply agency to develop a water supply for its service area. Its mission — providing the highest quality of water available to its customers, on a fairly priced and effective basis — is summarized in the following mission statement:

We provide clean and reliable water to our community through responsible stewardship and quality service.

- B. The District's future direction, as it meets the water demands of a growing population in an environmentally-sensitive manner and by promoting efficient water use, is summarized in the following vision statement:

We will empower a thriving community through sustainable, innovative water management, while safeguarding our resources for future generations.

### 1.3 BOARD OF TRUSTEES

The District shall be governed by a Board of Trustees ("Board") which shall manage and conduct the business and affairs of the District and shall determine all questions of District policy. All powers of the District are exercised through the Board.

### 1.4 DISTRICT GOVERNMENT VESTED IN THE BOARD OF TRUSTEES AND GENERAL MANAGER

- A. District government is vested in the Board, which shall be the governing body of the District, and a General Manager appointed by the Board.
- B. The Board, presently composed of nine (9) Trustees appointed by the Governor, constitutes the policy-making body of the District.
- C. The General Manager and the subordinate 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. The Board establishes policy through broad general policy directives and general task assignments of a goal-oriented nature.
- B. The Board reviews the General Manager's performance and establishes the General Manager's compensation level annually.

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<sup>1</sup> The footnotes (and the citations within the footnotes) are not official parts of this Manual; rather, they are for the convenience of District staff. They may be revised at the discretion of staff.

- C. In every case, the will of the Board shall be expressed by a majority vote of a quorum of the Board. No statement or act of any individual member of the Board shall be viewed as the will of the Board.
- D. The Board will review this document annually to ensure 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.
- B. Nothing in this section shall prevent a majority of a quorum of the Board from appointing committees of its own members to conduct investigations into the conduct of any officer or department of District government, or any matter relating to the welfare of the District, and delegating to these committees such powers of inquiry as the Board may deem necessary.

## CHAPTER 2 TRUSTEES AND OFFICERS

### 2.1 QUALIFICATIONS FOR APPOINTED TRUSTEES<sup>2</sup>

- A. Each Trustee shall be a registered voter at the location of the Trustee's residence and a resident within the boundaries of the District.
- B. Oath of Office.<sup>3</sup> 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 this State, 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 member.

### 2.2 NUMBER AND APPOINTMENT<sup>4</sup>

- A. Authorized Number.<sup>5</sup> The Board shall consist of not more than eleven persons. This authorized number shall change as the authorized number is changed by the Legislature.
- B. Actual Number. The actual number of Trustees is nine.
- C. Appointments. Trustees shall be appointed by the Governor, with the consent of the Utah State Senate, from nominees submitted as follows:
  - 1. In a division comprised solely of municipalities, the legislative body of each municipality within the division shall submit two nominees per Trustee, except as otherwise allowed by law.
  - 2. In all other divisions, the legislative body of the county in which the division is located shall submit three nominees per Trustee, except as otherwise allowed by law.
  - 3. If a Trustee represents a division located in more than one county, the legislative bodies of those counties shall collectively compile the list of three nominees.
  - 4. A municipality that is located in more than one county shall be considered to be located in only the county in which more of the municipal area is located than in any other county.

### 2.3 TERM OF OFFICE<sup>6</sup>

- A. The term of each Trustee shall begin on the later of the following: (i) the date on which the Utah Senate consents to the appointment, or (ii) the expiration date of the prior term. A term shall end on February 1<sup>st</sup> that is approximately four years after the date on which the Utah Senate consents to the appointment, or the expiration date of the prior term.
- B. The term of each Trustee shall be four years.
- C. Each Trustee shall serve until a successor is duly elected or appointed and qualified, unless the Trustee earlier is removed from office or resigns or otherwise leaves office.

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<sup>2</sup> Utah Code Ann. (1953) § 17B-1-303

<sup>3</sup> Utah Constitution, Article IV § 10

<sup>4</sup> Utah Code Ann. (1953) § 17B-2a-1005

<sup>5</sup> Utah Code Ann. (1953) § 17B-1-302(2), and § 17B-2a-1005(5)(a)

<sup>6</sup> Utah Code Ann. (1953) § 17B-1-303



- D. If a Trustee no longer meets the qualifications of subsection 2.1.A or if the Trustee's term expires without a duly appointed successor, the Trustee's position is considered vacant, and the Trustee may continue to serve until a successor is duly appointed and qualified.
- E. A Trustee is not limited in the number of terms the Trustee may serve.

#### 2.4 VACANCIES IN BOARD OF TRUSTEES<sup>7</sup>

- A. Events Creating Vacancies. A vacancy in a trustee's term of office shall be deemed to exist in the case of death, resignation, or failure to meet the qualifications of 2.1(A), above.
- B. Appointment. Whenever a mid-term vacancy occurs on the Board for any reason, a replacement to serve out the unexpired term shall be appointed by the Governor after giving notice of the vacancy as required by law.

#### 2.5 FIDELITY BONDS FOR APPOINTED TRUSTEES<sup>8</sup>

Each Trustee shall give a bond, for the faithful performance of the Trustee's duties, in the amount and with the sureties prescribed by the Board. The District shall pay the cost of each bond.

#### 2.6 CONTACT INFORMATION<sup>9</sup>

The name, phone number, and email address of each Trustee shall be posted on the Utah Public Notice Website, and that information shall be updated within 30 days after any change.

#### 2.7 PRINCIPAL OFFICERS

The principal officers of the District shall consist of a Chair of the Board, a Vice Chair of the Board, a Clerk, a Treasurer, and such other officers as the Board shall from time to time designate.

#### 2.8 QUALIFICATIONS; ELECTION AND TERM OF OFFICE

- A. Election. At the Annual Meeting, the Board shall elect:
  - 1. One of its members as Chair of the Board, and another of its members as Vice Chair of the Board.
  - 2. A Clerk of the Board and of the District, Assistant Clerk, and Treasurer, who may or may not be members of the Board. The offices of Treasurer and Clerk may not be held by the same person.
  - 3. A member to serve as Finance Committee Chair and a member to serve as Conservation Committee Chair.
- B. Term. The officers elected shall serve until the next Annual Meeting.

#### 2.9 NOMINATION OF OFFICERS

Nominations for officers shall be made from the floor.

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<sup>7</sup> Utah Code Ann. (1953) § 17B-1-301(3)(a); Utah Code Ann. (1953) § 20A-1-512

<sup>8</sup> Utah Code Ann. (1953) § 17B-1-303

<sup>9</sup> Utah Code Ann. (1953) § 17B-1-304(9)(a)

## 2.10 RESIGNATION

Any officer may resign at any time by giving verbal or 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 therein. Unless otherwise specified in the notice, acceptance of the resignation shall not be necessary to make it effective.

## 2.11 REMOVAL

Any officer may be removed by a majority vote of the Board when, in the Board's judgment, it would serve the best interests of the District.

## 2.12 VACANCIES IN OFFICES

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board 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 and the person or persons so elected have qualified.

## 2.13 DUTIES OF CHAIR OF THE BOARD

The Chair of the Board shall:

- A. Serve as Chair of the Board and preside at all meetings of the Board.
- B. Execute on behalf of the District, unless otherwise delegated to another person by the Board:
  - 1. All bonds and instruments creating debt against the District.
  - 2. Board resolutions.
  - 3. Water sales agreements as authorized by law.
  - 4. All agreements which sell, lease, encumber, alienate or otherwise dispose of water works, water systems, and sources of water supply for any beneficial use within or without the District.
  - 5. Agreements with the United States, State of Utah, or any other governmental entity, department or political subdivision.
  - 6. The countersigning of disbursement checks.
  - 7. Agreements specifically authorized and directed by the Board.
  - 8. Real estate leases, easements, encroachments and all deeds and conveyance documents in which the District is a grantor of any interest.
  - 9. Contracts and agreements authorized by the Board which cause the District to incur extraordinary expenditures not described within the District's annual budget.
  - 10. All other contracts and agreements specifically required of the Chair by law.
- 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 acting as spokesperson for the District, the Chair should speak for the majority of the Board. When the Chair speaks on the Chair's own behalf or as an individual member of the Board, the Chair should clearly identify that limited capacity.
- E. Represent the will of the Board.

#### 2.14 VICE CHAIR

- A. The Vice Chair shall act only in cases of the inability or refusal to act of, or in the absence of, the Chair and shall exercise those powers and duties granted the Chair. The determination as to the inability or refusal to act shall be made by a vote of the Board.
- B. The Chair may request any member of the Board to represent the District outside of the Board meetings. When no designee is appointed by the Chair, the Vice Chair shall represent the District.
- C. If no member of the Board is able to represent the Chair (other than in official Board meetings), the General Manager or his designated staff member shall do so.

#### 2.15 SUCCESSION OF AUTHORITY

In the event the offices of Chair and Vice Chair are vacant or the individuals occupying those offices are absent or otherwise unavailable, the senior member of the Board, determined by length of continuous service on the Board, shall serve as Acting Chair of the Board, with all the power and authority of the Chair.

#### 2.16 DUTIES OF THE CLERK<sup>10</sup>

- A. The Clerk shall be custodian of the records of the District and of its seal; shall cause minutes of all meetings of the Board to be kept; shall assist the Board in such particulars as it may direct in the performance of its duties; and shall perform those duties authorized by law, by the District's Bylaws, or by this Manual.
- B. The Clerk shall attest, under the seal of the District, all certified copies of the official records and files of the District.
- C. The Board may appoint an Assistant Clerk to function in the absence of the Clerk with all the power and authority of the Clerk.

#### 2.17 DUTIES OF THE TREASURER<sup>11</sup>

- A. The Treasurer shall be custodian of all money, bonds, or other securities of the District.
- B. The Treasurer shall determine the cash requirements of the District and provide for the deposit and investment of all money.
- C. The Treasurer 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, and keep an accurate, detailed account of those funds and money as required by law and as directed by the Board.

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<sup>10</sup> Utah Code Ann. (1953) §§ 17B-1-631, -632

<sup>11</sup> Utah Code Ann. (1953) § 17B-1-633

- D. The Treasurer shall collect all special taxes and assessments as provided by law and ordinance.
- E. The Treasurer shall give or cause to be given to every person paying money to the District a receipt or other evidence of payment, specifying, as appropriate, the date of payment and upon which account paid and shall file the duplicate of the receipt.<sup>12</sup>
- F. The Treasurer shall keep secure the check-signing-signature-card, and may authorize its use to sign all District checks. Prior to affixing the signature, the Treasurer shall determine that a sufficient amount is on deposit in the appropriate bank account of the District to honor the check.
- G. The Treasurer 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.
- H. The Treasurer shall be responsible for monitoring expenditures during the fiscal year.
- I. If the Treasurer, or any other employee or officer of the District, is using District funds for personal profit or for any purpose not authorized by law, that person shall be subject to discipline.

## 2.18 BONDS

The Clerk and Treasurer shall each give a bond for the faithful performance of their respective duties, in the amount and with the sureties prescribed by the Board. The District shall pay the cost of each bond.

## 2.19 OTHER OFFICERS

The Board may appoint or otherwise authorize the appointment of an Assistant Clerk to assist the Clerk, as may be required by law or otherwise, to promote the effective functioning of the District. The person(s) so appointed need not be a member(s) of the Board, but shall have all the rights, duties, and powers of the Clerk, and may act within the scope of authority delegated by the Board.

## 2.20 POWER VESTED IN THE BOARD OF TRUSTEES<sup>13</sup>

The Board shall exercise and control or authorize the exercise and control of all the business and affairs of the District, subject to the limitations of the Bylaws, this Manual and the law.

## 2.21 FORMATION OF COMMITTEES

The Board may form committees composed of its own members for such purposes as it deems appropriate.

## 2.22 COMMITTEES OF TRUSTEES

- A. Appointment of Committees. The Board may, by resolution, establish one or more committees to serve at the pleasure of the Board. The Board may assign the committees such tasks as the Board may determine and delegate to any committee any of the powers and authority of the Board to transact any of the business and affairs of the Board.
- B. Committee Members. Members of committees shall be members of the Board, and others identified in Section 2.23.

<sup>12</sup> Utah Code Ann. (1953) § 17B-1-634

<sup>13</sup> Utah Code Ann. (1953) § 17B-1-301

- C. Meetings of Committees. Meetings of committees shall be held at such time and place as a majority of the members of the individual committees shall determine. Notice of committee meetings shall be given to all Board members in a timely fashion and the meetings shall be noticed as required by law. The committee chair or designated replacement shall conduct all meetings of the committees. Minutes shall be kept for all meetings.
- D. Committee Reports. Committee reports shall be made to the Board when appropriate.

## 2.23 STANDING COMMITTEES

- A. Executive Committee. The Executive Committee shall be a standing committee comprised of the Chair, the Vice Chair, the Chair of the Finance Committee, and the Chair of the Conservation Committee. The Chair of the Board shall serve as Chair of the Executive Committee. The powers of the Executive Committee shall include:
  - 1. The authority to act on behalf of the Board in matters specifically referred to it by the Board.
  - 2. Setting and establishing planning meetings of the Board.All actions of the Executive Committee shall be reviewed and considered for ratification by the full Board at the next meeting of the Board.
- B. Conservation Committee. The Conservation Committee shall be a standing committee comprised of the entire membership of the Board. The powers of the Conservation Committee shall include: (a) review of the District's conservation activities; and (b) other duties assigned by the Board. The Conservation Committee Chair shall (a) preside at meetings of the Conservation Committee; and (b) review the District's conservation activities with the General Manager.
- C. Finance Committee. The Finance Committee shall be a standing committee comprised of the entire membership of the Board. The Finance Committee Chair shall: (a) preside at meetings of the Finance Committee; and, (b) review the District's budget with the General Manager; and (c) review the District's annual audit with the General Manager. The powers of the Finance Committee shall include: (a) review of the District's budget preparation; (b) review of the annual audit report; and (c) other duties assigned by the Board. The Finance Committee Chair shall be a member of, and preside over, Audit Committee meetings.
- D. Audit Committee. The Audit Committee shall be a standing committee comprised of Chair of the Board, Finance Committee Chair, up to two other Trustees selected by the Board, the Chief Financial Officer, and up to two employees of Member Agencies of the District appointed by the Chair of the Board. The Finance Committee Chair shall preside at meetings of the Audit Committee. The powers of the Audit Committee shall include: (a) oversee the selection process of the independent auditor; (b) review the results of the independent auditor's audit and audit report; (c) review and approve the annual audit plan of the Internal Auditor; (d) review internal audit reports; and, (e) review Hotline complaints.
- E. Employee Retirement Plan Committee. The Employee Retirement Plan Committee shall be a standing committee comprised of Chair of the Board, Vice Chair, Finance Committee Chair, General Manager acting as Plan Administrator, Treasurer, Controller and the Employee Representative. The Employee Representative shall be chosen from time-to-time by the General Manager. The Plan Administrator shall be the chair-person of the committee and the committee shall meet at least annually. The powers of the Employee Retirement Plan Committee shall include: (a) review the activities of the Employee Retirement Plan; and (b) determine whether the District meets its fiduciary responsibilities for administration of the

Plan. The General Manager, acting as Plan Administrator, has discretionary authority permitted by law to interpret, construe, and administer the Plan according to the Plan documentation, which includes structuring the fund line-up and distribution of forfeiture balances.

## 2.24 COMPENSATION<sup>14</sup>

- A. Each member of the Board may receive compensation for service on the Board in the amount of \$416.66 each month, not to exceed \$5,000.00 per year.
- B. As determined by the Board, a member of the Board 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 member with coverage under a group insurance plan shall be included as part of the member's compensation for purposes of subsection 2.24.A.
- C. A member of the Board may receive per diem compensation for meetings or activities related to any District business, in addition to the compensation provided in subsection 2.24.A, for attendance at up to 12 meetings or activities per year.
  - 1. The amount of per diem compensation for meetings or activities shall be \$135 for a meeting or activity that lasts up to four hours and \$200 for a meeting or activity that is longer than four hours.
  - 2. A member of the Board who is a governmental employee may not receive per diem compensation for meetings or activities if the member is also receiving compensation or comp time from the member's employer for the time spent in the meeting or activity.
  - 3. The District will treat a member of the Board who is a governmental employee as if the member is not receiving compensation or comp time from the member's employer for the time spent in a District meeting or activity unless the member notifies the Clerk of the Board that the member is receiving compensation or comp time.
  - 4. Travel per diem paid to a member of the Board related to District business shall be calculated in accordance with Section 11.10.
- D. In addition to any other compensation a member receives, each member of the Board shall be reimbursed by the District for all actual and necessary expenses incurred in attending Board meetings and in performing the member's official duties unless the member is already being reimbursed for those same expenses by another person or entity.
- E. Members of the Board are ineligible to participate in the Utah Retirement Systems' Retirement Plan due to their limited, part-time status (earnings and hours). This applies to those certified by Utah Retirement Systems as Tier 1 and Tier 2 officials.
- F. A board member may decline to receive any of the compensation, reimbursement or benefits described in this section, or elsewhere in these or other rules of the District by notifying the Clerk of the Board in writing.

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<sup>14</sup> Utah Code Ann. (1953) § 17B-1-307

## 2.25 TRAINING<sup>15</sup>

- A. Each Trustee should, within one year after taking office, complete the training developed by the State Auditor and the Utah Association of Special Districts pursuant to Utah Code Ann. (1953) § 17B-1-312.
- B. A Trustee is considered to have taken office and shall complete the training described in subsection 2.25.A each time the Trustee is reappointed to a new term or is appointed to fill a midterm vacancy.
- C. The District shall compensate each Trustee in the amount described in subsection 2.24.C. for each day of training described in Section 2.25.A that the Trustee completes. The training per diem amount is in addition to all other amounts of compensation and expense reimbursement authorized by law or by the District's Bylaws or its Administrative Policy and Procedures Manual.
- D. The District shall not pay compensation under this section to any Trustee more than once per year.

## 2.26 CONFLICT OF INTEREST

### A. OVERVIEW

- 1. District Trustees, officers, General Manager, Deputy General Manager, if applicable, Assistant General Managers, and General Counsel (collectively the "Participants") individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times.
- 2. Participants must avoid even the appearance of impropriety to ensure and maintain public confidence in the District.
- 3. Participants owe a fiduciary duty to the District and must not act in a manner that is contrary to that duty or to the interests of the District.
- 4. Participants must place the interests of the District over their own personal interests with respect to the governance, policy, strategic direction and operations of the District.

### B. POLICY

- 1. It is the intent of the Board to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when a Participant has a personal interest in a matter that is or may be in conflict with or contrary to the District's interests and objectives to such an extent that the Participant is or may not be able to exercise independent and objective judgment within the context of the best interest of the District.
- 2. For the purposes of this policy, "personal interest" includes those of a Participant's relatives, business associates or other persons or organizations with whom she or he is closely associated.

- C. The following provisions shall serve as a guide to Participants with respect to the affairs of the District:

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<sup>15</sup> Utah Code Ann. (1953) § 17B-1-312

1. District Participants shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Participants are required to submit a report to the Board and the District's Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as Participants that exceeds \$50.00.
2. The complete confidentiality of proprietary business information must be respected at all times. Participants are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the District, or to individually conduct negotiations or make contacts or inquiries on behalf of the District unless officially designated by the Board.
3. Participants are prohibited from acquiring or having a financial interest in any property that the District acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the District does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the Participants in a position to materially influence or affect the business relationship between the District and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the District is prohibited if this interest or relationship might tend to impair the ability of the Participants to be independent and objective in the Participants' service to the District.
4. If members of the immediate family of Participants have a financial interest as specified above, such interest shall be fully disclosed to the Board which shall decide if such interest should prevent the District from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means Participant's spouse, parent, dependent children, and other dependent relatives.
5. When a conflict of interest exists, the Participants shall publicly declare the nature of the conflict either verbally at a public meeting or in writing filed with the District Clerk. If the Participant is a District Trustee, the Trustee may choose to be recused from any official action involving the conflict.
6. Participants may not realize, seek, or acquire a personal interest in a business that does business with the District.
7. Participants shall complete the Annual Certification found in Section 9.2.B of this policy. Completed Forms shall be submitted to the Records Officer and made available to the public upon request.
8. The Records Officer shall provide copies of all completed Forms to the Board Chair.
9. The Board Chair shall review all completed forms and consider the disclosures. The Board Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the District.

## 2.27 HOTLINE

### A. INTRODUCTION

The District Hotline provides an avenue for citizens, including District employees and contractors, to report improper governmental activities including:



1. Waste or misuse of public funds, property, or manpower.
2. Violations of a law, rule, or regulation applicable to the government.
3. Gross mismanagement.
4. Abuse of authority.
5. Unethical conduct.

**B. FILING A COMPLAINT**

1. Complaints should be submitted in writing using the attached form. Complainants should also submit any evidence that supports the complaint. Essential information includes specifics on 'who, what, where, when' as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence.
2. Due to limited resources the District is unable to accept complaints that are not supported by evidence or provide a means for them to be investigated further.
3. The form is to be used as a guide to ensure the necessary information is provided. Complaint should be submitted via the following methods:

Email: [complaints@jvwcd.org](mailto:complaints@jvwcd.org)

US Mail: 8215 South 1300 West, West Jordan, Utah 84088

**C. District Processing of a Hotline Complaint:**

1. After receipt of the complaint, the Internal Auditor will review the allegation and any evidence provided by the complainant. The list below represents some of the factors that are considered during the screening and prioritization process.
  - a. Does the complaint involve actions by a person subject to the District's authority?
  - b. Does the complaint pertain to improper governmental activities? Disagreements with management decisions or actions taken by elected officials that are within the law will not be investigated.
  - c. Has the complainant taken appropriate steps to resolve the issue with the District? If the District is not responsive, the concern relates to top management, or the complainant desires anonymity, consideration will be increased.
  - d. What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or on-going may receive a higher priority.
  - e. Should the allegation be investigated by another entity? Are there other agencies that have oversight of the complaint? Is a member of the Board or the audit committee being accused?
  - f. Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.

2. The Internal Auditor communicates to the Audit Committee:
  - a. The allegation of the complaint.
  - b. Any facts supporting or refuting the complaint.
  - c. A recommendation based upon preliminary inquiry.
3. Audit Committee decides the appropriate next action (if a member of the Audit Committee is the subject of the complaint they may not be included in this process):
  - a. Discontinue the investigation.
  - b. Continue with the investigation.
  - c. Refer the investigation to another agency.
4. If the investigation proceeds, the audit committee sets the following:
  - a. Time and resource budget.
  - b. Scope of the audit.
5. Internal Auditor completes the audit.
6. Internal Auditor creates a report outlining the work performed and conclusions.
7. Internal Auditor provides the report to the Audit Committee.
8. Audit Committee reports investigation results to the whole Board.
9. Board addresses any findings noted in the report.

#### D. WHISTLEBLOWER PROTECTION

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting government waste or violations of law in good faith, to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the entity (see Utah Code § 67-21-3(1)(b)(iv)(A) for more information).

#### E. CONFIDENTIALITY

The identity of the complainant is considered protected information under the Utah Government Records Access and Management Act (GRAMA) and will be kept confidential if requested by the complainant. (See Utah Code § 67-3-1(15)). Complaints may be submitted anonymously to the Hotline. However, it is preferable that the complainant provide their name and contact information to allow for follow-up questions and reporting the results back to the complainant. Whistleblower protections do not apply to anonymous complaints.

## 2.28 INTERNAL AUDIT CHARTER

### A. PURPOSE

The purpose of the Internal Auditor is to provide an independent, objective assurance and consulting activity designed to add value and improve the District's risk management efforts. It helps the District and the Board accomplish their objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of processes and controls designed to manage risk.

### B. INDEPENDENCE

To help ensure independence and objectivity, the Internal Auditor reports to the Audit Committee. Administratively, the Internal Auditor reports to the General Manager.

### C. AUTHORITY

#### 1. The Internal Auditor is authorized, to:

- a. Have full, free and unrestricted access to the records, property and personnel of all District departments, and Board, in order to conduct internal audits.
- b. Have access to all documents and records of organizations receiving funds originating or passed through by the District to ensure that adequate internal controls are in place and operating effectively, regarding the expenditure of those funds relating to the District.
- c. Have full and free access to the Audit Committee.
- d. Obtain the necessary assistance of personnel in departments of the District where they perform audits, as well as other specialized services from within or outside the District.

#### 2. To maintain an independent status, the Internal Auditor is not authorized to:

- a. Perform any operational duties for the District or its Board.
- b. Initiate or approve accounting policies and procedures or transactions external to Internal Auditor.
- c. Direct activities of any District employees not employed by the Internal Auditor, except to the extent such employees have been appropriately assigned to assist the Internal Auditor.

### D. The Internal Auditor will:

1. Develop an annual audit plan using appropriate risk-based methodology and considering risks or concerns identified by management to be submitted to the Audit Committee for approval. The annual audit plan shall include at a minimum, the following information:
  - a. The scope of each proposed audit, including a summary of the nature, records, and time period covered by each audit to be conducted.
  - b. Identification of the department, board, service, program, function, or policy to be audited.
  - c. Each potential audit objective to be addressed.

2. Implement the annual audit plan as approved, including any requested special projects as approved by the Audit Committee.
3. Conduct investigations of alleged or suspected impropriety, fraud, misappropriation, or other misuse of District funds, and seek advice from the District attorney as appropriate and provide required reports to appropriate authorities.
4. Coordinate with external auditors and monitor the implementation of corrective actions recommended by external auditors as appropriate.
5. Submit reports to the Audit Committee indicating audits completed, major findings, corrective actions taken by management, and significant findings which have not been fully addressed by management.
6. Request adequate resources necessary to accomplish audit objectives.
7. Coordinate with the State Auditor and external auditors to minimize duplication of efforts and maximize efficient audit coverage.
8. Receive, track, and report hotline complaints to the Audit Committee.

E. The Internal Auditor may:

1. Subject to the approval of the Audit Committee, conduct special reviews and programmatic reviews at the request of the Board, General Manager, Deputy General Manager, if applicable, Assistant General Managers, Chief Financial Officer, and department managers.
2. Subject to the approval of the Audit Committee, provide assistance to departments, boards and committees for evaluation of financial controls and other audit related matters.
3. Amend the annual audit plan, subject to the approval of the Audit Committee.
4. Initiate, conduct, or expand the scope of an audit or investigation if a finding requires expansion of the scope, or if a determination has been made that fraud, abuse, or an unlawful act may have occurred.

CHAPTER 3  
DISTRICT ADMINISTRATION

3.1 STRUCTURE OF DISTRICT ADMINISTRATION

- A. The District Administration consists of the General Manager and subordinate officers.
- B. Each officer shall have such authority as is necessary to carry out the duties and responsibilities assigned by this Manual or by the General Manager. The designation of a duty or responsibility shall constitute such authority as is necessary to affect the duty or responsibility so imposed.
- C. The General Manager may direct any department to furnish another department with service, labor, and/or materials.

3.2 FIDELITY BONDS

The following Trustees, officers, and employees, before assuming the duties of office, shall be bonded, with sureties licensed to do business in the State of Utah and having a current Best's Rating of "A" or better, for the faithful performance of the duties of their offices and for the payment of all monies received by them. A blanket bond or separate bonds may be obtained. The bond premiums shall be paid by the District. The minimum bond amounts are, except as otherwise fixed by the State Money Management Council:

Trustee .....	\$100,000
Clerk .....	\$1,500,000
General Manager .....	\$1,000,000
Deputy General Manager or Assistant General Manager.....	\$1,000,000
Controller .....	\$1,000,000
Treasurer .....	\$1,500,000

3.3 GENERAL MANAGER POSITION CREATED

There is hereby created the position of General Manager.

3.4 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 District employees.

3.5 APPOINTMENT OF GENERAL MANAGER

The Board, by a majority vote of its full membership, shall appoint the General Manager. The General Manager shall be appointed solely on the basis of ability, integrity and prior experience relating to the duties of the office, including but not limited to, abilities of public administration and leadership; and shall possess managerial capabilities as in the opinion of the Board will provide professional direction to the District.

### 3.6 POWERS AND DUTIES

#### A. The General Manager shall:

1. Attend all meetings of the Board and take part in its discussions and deliberations.
2. Carry out the policies and programs established by the Board.
3. Faithfully execute and enforce all applicable laws, rules, and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the District are observed.
4. Recommend to the Board for adoption such measures as the General Manager deems necessary or expedient.
5. Appoint, with the advice and consent of the Board, a qualified person to each of the following offices: Assistant General Managers, Chief Engineer, Chief Financial Officer, Controller, and General Counsel; recommend the creation of any other office as may be deemed necessary for the good government of the District; and regulate and prescribe the powers and duties of all employees of the District, except as provided by law.
6. Establish standards, qualifications, criteria, and procedures to govern appointments, by heads of departments or by other authorized divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of this Manual and the Personnel Rules and Regulations and this Manual.
7. Make such appointments, suspensions, removals, or terminations as authorized by law or by the rules, policies, and procedures made by the Board.
8. Authorize a department head to appoint and remove employees serving under that department head.
9. Designate the General Manager or another employee to perform the duties of any office or position under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.
10. Assign any employee of the District to any department or branch requiring services appropriate to the personnel system classification of the employee so assigned.
11. Implement and administer a plan, as approved by the Board, for the compensation of District employees.
12. Develop, implement, and administer Personnel Rules and Regulations as approved by the Board.
13. Coordinate all District departments.
14. Notify the Board of any emergency existing in any department.
15. Submit to the Board plans and programs relating to the development and needs of the District, and annual or special reports concerning the financial, administrative, and operational activities of the District.

16. Examine and inspect the books, records, and official papers of any office, department, or board of the District, and make investigations and require reports from personnel.
  17. Investigate, examine or inquire into the affairs or operation of any department, division, or office; and when so authorized by the Board, have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
  18. Approve expenditures made for official District business, provided such expenditures are within the appropriations contained within the appropriate budget as adopted by the Board.
  19. Prepare a financial estimate of the annual budget and advise the Board of the financial condition and needs of the District.
  20. Examine all proposed contracts to which the District may be a party.
  21. Execute such contracts as are necessary for the good order and functioning of the District, provided the expenditures pursuant to such contracts are within the appropriations contained within the appropriate budget, as adopted by the Board, and excepting those contracts to be executed by others pursuant to law or this Manual.
  22. Execute contracts for easements, rights-of-way, and/or well protection zones, provided any expenditures pursuant to such contracts do not exceed \$75,000 and that the District is a grantee of the interest(s) conveyed, and excepting those contracts to be executed by others pursuant to law or this Manual.
  23. Execute contracts between the District and another governmental entity in which the parties have standardized the terms and conditions.
  24. Execute annexation agreements or water availability agreements following review and approval of such agreements by the Board.
  25. Authorize any employee to exercise any power or duty granted the General Manager.
  26. Notwithstanding any rule, policy, or procedure of the District to the contrary, direct District employees to perform services for the Jordan Valley Conservation Gardens Foundation if the General Manager determines those services will benefit the District or are consistent with the District's mission, vision, values, goals, or obligations.
  27. Execute contracts for the purchase of water rights and/or water shares in any amount, provided that a transaction exceeding \$75,000 shall be reported to the Board of Trustees either before or within a reasonable time after the purchase is made.
  28. Discharge any other duties specified by law, by this Manual, or by the Board.
- B. The General Manager may appoint, with the advice and consent of the Board, a qualified person to serve in the office of Deputy General Manager.

### 3.7 WORKING TIME

The General Manager shall devote full attention to the performance of the duties of the position and shall not engage in other outside employment without the consent of the Board.

### 3.8 REMOVAL OF GENERAL MANAGER

- A. The General Manager serves at the pleasure of the Board.
- B. The Board may, at its pleasure and by majority vote, remove the General Manager.
- C. Except as provided in subsection 3.8.D, the General Manager, upon removal by the Board, shall be paid any unpaid salary balance due to the date of removal, together with salary at the same rate for three months following the date of removal, and payment for accrued annual leave and sick leave as allowed by the Personnel Rules and Regulations and this Manual.
- D. If removed for proven malfeasance in office, the General Manager shall be paid any unpaid salary balance due to the date of removal and accrued annual leave and sick leave as allowed by the Personnel Rules and Regulations. If the General Manager has a written employment agreement, payment in the event of dismissal by the Board shall be made in the manner described in the agreement.

### 3.9 POWERS AND DUTIES OF DEPUTY GENERAL MANAGER AND ASSISTANT GENERAL MANAGER(S)

- A. If a Deputy General Manager has been appointed, the Deputy General Manager shall serve in the absence or incapacity of the General Manager and shall then assume those powers and duties granted the General Manager.
- B. If a Deputy General Manager is not appointed, or if both the General Manager and the Deputy General Manager are absent or incapacitated, an Assistant General Manager shall serve in the absence or incapacity of the General Manager and, if applicable, the Deputy General Manager, and shall then assume those powers and duties granted the General Manager.
- C. If more than one (1) Assistant General Manager is appointed, the Assistant General Manager with the greatest seniority in that position shall serve first under subsection 3.9.B.

### 3.10 APPOINTMENT OF GENERAL COUNSEL

The General Manager shall, with the advice and consent of the Board, appoint a qualified person, who is a member in good standing of the Utah State Bar, to be the General Counsel of the District.

### 3.11 DUTIES OF GENERAL COUNSEL

The General Counsel shall act as the attorney for the District and perform such other duties as assigned by the General Manager.

### 3.12 APPOINTMENT OF CHIEF ENGINEER

The General Manager shall, with the advice and consent of the Board, designate and appoint a qualified professional engineer, registered under Utah law, to be the Chief Engineer of the District.

### 3.13 DUTIES OF CHIEF ENGINEER

The Chief Engineer shall perform those duties as are required by law, perform engineering work and such other duties as assigned by the General Manager.



3.14 APPOINTMENT OF CONTROLLER

The General Manager shall, with the advice and consent of the Board, appoint a qualified person to be the Controller of the District.

3.15 DUTIES OF CONTROLLER

The Controller shall act as the controller of the District and perform such other duties as assigned by the General Manager.

3.16 APPOINTMENT OF CHIEF FINANCIAL OFFICER

The General Manager shall, with the advice and consent of the Board, appoint a qualified person to be the Chief Financial Officer of the District.

3.17 DUTIES OF CHIEF FINANCIAL OFFICER<sup>16</sup>

The Chief Financial Officer shall act as the financial officer of the District, shall have the primary responsibility for preparing the District's annual financial report, and shall perform such other duties as assigned by the General Manager.

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<sup>16</sup> Utah Code Ann. (1953) §§ 11-50-202

## CHAPTER 4 BUDGET, AUDITS AND CHECKS

### 4.1 BUDGET OFFICER<sup>17</sup>

The General Manager shall function as the budget officer, as designated in “Part 6: Fiscal Procedures for Local Districts” of the “Limited Purpose Local Government Entities--Local Districts” Act. 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.

### 4.2 PREPARATION OF BUDGET

- A. Prior to the regularly scheduled meeting of the Board in March, the budget officer shall present an outline of concepts for the operating and capital budgets.
- B. On or before the first regularly scheduled meeting of the Board in May, the budget officer shall prepare for the ensuing fiscal year, and present to the Board, tentative, operating and capital budgets, together with other supporting data required by the Board.
- C. The tentative budget shall be reviewed and considered by the Board 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 law.
- D. The Board shall adopt operating and capital budgets for the ensuing fiscal year prior to the beginning of each fiscal year.
- E. Upon final adoption, the operating and capital budgets shall be in effect for the budget year, subject to amendment. During the budget year, the Board may, in any regular meeting or special meeting called for that purpose, review the operating and capital budget for the purpose of determining if the total should be increased.
- F. The budget may be reopened at any time during the fiscal year by properly noticing the meeting in accordance with law.
- G. 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.
- H. 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, and with the advice and recommendations of the Assistant General Manager or, if applicable, the Deputy General Manager who has supervisory authority over that department.
- I. 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, and with the advice and recommendations of the Assistant General Manager or, if applicable, the Deputy General Manager who has supervisory authority over that

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<sup>17</sup> Utah Code Ann. (1953) §§ 17B-1-601 et seq.

department, or the overrun may be covered by a transfer from the District contingency, as approved by the Board.

- J. The water sales revenue portion of the budget shall be prepared by using a weighted average of wholesale water rate(s) and the actual retail water rate(s). Water rates for individual wholesale customers and adjustments to the retail rate shall be prepared prior to the approval of the budget for the ensuing fiscal year.

#### 4.3 REPORTS

- A. The General Manager shall prepare and present to the Board monthly financial reports showing the financial position and operations of the District for that month and year-to-date status.
- B. Within 150 days after the close of each fiscal year, the General Manager 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.

#### 4.4 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. Copies of the annual financial report or the audit report furnished by the independent auditor shall be filed as required by law and shall be filed as a public document in the office of the District.
- B. The District shall select its auditor by a competitive process.

#### 4.5 CHECKS

- A. District checks shall be issued by the following procedure:

The District may use a signature card, kept by the Treasurer, with signature facsimiles of both the General Manager and the Treasurer. All printed checks issued by the District shall have facsimiles of the General Manager's and Treasurer's signatures. All checks shall contain a watermark with the District's logo. A copy of each check shall be printed or photocopied and attached to the invoice being paid. A check register shall be prepared by the Controller, or alternate designated by the General Manager, and then reviewed and initialed, if approved, by the Treasurer.
- B. Payroll checks and checks for budgeted items in the operation and maintenance fund, together with all other disbursements approved by the Board, may be processed through any of the District's check printing systems. The Accounts Payable Clerk, or alternate designated by the General Manager, shall prepare a pre-check register. The register shall be approved by the Controller and Treasurer before checks are printed.

#### 4.6 APPROVAL OF DISTRICT EXPENDITURES<sup>18</sup>

- A. Except as provided in subsections C and D, the Board shall approve all expenditures and purchases of the District in excess of \$75,000 in the Operation and Maintenance Budget and in excess of \$75,000 in the Capital Projects Budget. All expenditures and purchases below

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<sup>18</sup> Utah Code Ann. § 17B-1-642

these threshold amounts may be approved by the General Manager or the General Manager's designee.

- B. At least quarterly, the Board shall review all expenditures authorized by the Chief Financial Officer under subsection C, and those authorized by the General Manager or designee under subsections A and D.
- C. The Chief Financial Officer may approve:
  - 1. The processing and payment of payroll checks that are prepared semi-monthly;
  - 2. Routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials;
  - 3. Progress or periodic payments for any contract formally approved by the Board, including payments for supplies or services (not including professional services) provided under a multi-year contract which the Board has previously approved;
  - 4. Periodic payments for any indebtedness formally approved by the Board; and,
  - 5. Payments for any employee compensation plan or policy adopted by the Board and formally approved by the Board in the then-current budget, including but not limited to the Tuition Assistance Program, Qualified Service Award Plan, and Sick-Leave Conversion.
- D. The General Manager, or the General Manager's designee, may approve:
  - 1. Expenditures and purchases for emergency procurement as permitted in Section X.A.5 of the District's Purchasing Policy; and,
  - 2. Payments from the Self-Insurance Fund, 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.

#### 4.7 PURCHASING CARDS

##### A. DEFINITIONS

- 1. Merchant Category Code ("MCC Code") – A code assigned by the credit card issuer when a company first begins taking payments. This code usually is categorized according to the primary type of business or service for the company.
- 2. Purchasing Card ("P-Card") – a charge card used for the payment of goods and services.
- 3. Purchasing Card Holder ("Cardholder") – an employee authorized to use a P-Card for the purchase or payment of goods and services.
- 4. Purchasing Card Issuer ("Issuer") – a bank or financial institution that issues P-Cards and maintains records of P-Card transactions for cardholders.
- 5. Program Administrator –the District's Accountant, or another employee designated by the Chief Financial Officer, authorized to administer this Policy and the use of P-Cards.

## B. POLICIES AND PROCEDURES

### 1. Obtaining a P-Card

- a. A request for a P-Card shall be made in writing by a Department Manager to the Program Administrator. All purchasing cards limits will be determined by the predetermined limits set in "Credit Limits" section of this policy, unless otherwise approved by the Program Administrator.
- b. The P-Card shall be issued in the name of the authorized Cardholder, who is solely responsible for its use and must sign a Cardholder Agreement.
- c. Each Cardholder shall be given a copy of this Policy and then acknowledge in writing she or he has read it and understands it.
- d. The Program Administrator, and designee, cannot be a Cardholder.

### 2. Using a P-Card

- a. Immediately upon receipt of a P-Card, the card must be signed by the Cardholder.
- b. District purchases are exempt from sales tax. Each card has the District's sales tax exemption number on the face of the card to help avoid being charged sales tax. Therefore, if sales tax is taken and recovery of the tax is worth the cost of the recovery effort, the Cardholder shall take actions to obtain a credit to the P-Card account for the tax paid.
- c. Cardholders are responsible for obtaining transaction receipts from the merchant each time the P-Card is used and uploading them to the Munis Purchase Card Statement screen in a timely manner.
- d. Cardholders are responsible to upload to the Munis Purchase Card Statement screen all other documentation that supports the purchase and promotes transaction approval.

### 3. Prohibited P-Card Purchases

- a. The following purchases or transactions are prohibited:
  - i. Cash advances or to incur consumer debt.
  - ii. Personal purchases or non-District business related items.
    1. If a personal or non-District business related item is purchased using a P-Card, the employee shall complete a Personal Charge Form and attach it to the transaction, including how the employee will reimburse the District for the amount of the purchase. The reimbursement shall be coordinated with the Program Administrator within a reasonable timeframe as determined by the Program Administrator.
    2. Any personal or non-business related purchases must be disclosed to the Cardholder's supervisor, Department

Manager, and the Program Administrator as soon as the employee knew or should have known about the purchase.

3. Continued personal or non-business related purchases will result in cancellation of the card and may subject the employee to disciplinary action, up to and including termination.

- iii. A purchase that exceeds the Cardholder's purchase approval authority.

#### 4. Credit Limits

- a. The General Manager shall establish credit limits for members of the Executive Staff.
- b. Department Managers shall establish credit limits for those employees in their department.
- c. To increase the credit limit of a P-Card, a Department Manager must submit a request in writing to the Program Administrator.
- d. The use of a P-Card is subject to the District's Purchasing Policy. (See Administrative Policy and Procedures, Appendix 3 Purchasing Policy)

#### 5. MCC Codes and Limitations on Purchases

- a. The Program Administrator may establish a profile that restricts and allows specific MCC Codes to be used when purchasing with the District's P-Cards. All new cards will be issued using a standard profile unless otherwise allowed in this Policy.
- b. A Cardholder may submit a request in writing to the Program Administrator to allow, temporarily or permanently, an MCC Code to be authorized on a specific card. The request must include a detailed explanation for the vendor(s) or purchase(s) requiring the allowance of a restricted MCC Code. The Cardholder's Department Manager must provide written approval to the Program Administrator.

#### 6. P-Card Account Reconciliation and Records Retention

- a. Original itemized receipts showing the detail of the goods and services purchased shall be retained and maintained by the Cardholder until uploaded to the Munis Purchase Card Statement screen.
- b. The Program Administrator or designee shall reconcile all purchases against the monthly statement provided by the Issuer.
- c. The Program Administrator must be notified of any disputed transaction(s) within 10 days of the transaction date. The Cardholder is responsible for completing a Disputed Charge Form and submitting to the Program Administrator. The Program Administrator will inform the Issuer of the disputed transaction.
- d. The Cardholder shall be responsible for properly allocating and classifying

the charges made to the appropriate general ledger account.

7. Lost or Missing Receipts

- a. When an original receipt cannot be located on an unreconciled P-Card transaction, the Cardholder responsible for the transaction shall take necessary action to obtain a duplicate or copy of the receipt from the merchant. If the merchant is unable to provide a copy or duplicate receipt, then the Cardholder must complete a Lost or Missing Receipt Form and attach a scanned copy to the P-Card transaction and send the original to the Program Administrator.
- b. Excessive missing receipts may result in a P-Card being rescinded or a user being prohibited from purchasing using the P-Card.

8. Discipline

- a. Failure to comply with this Policy may result in discipline, including but not limited to rescinding the P-Card and/or termination.
- b. The General Manager, Program Administrator, or a Department Manager may rescind a Cardholder's P-Card or an employee's ability to use a P-Card.

9. Lost or Stolen P-Cards

- a. If a P-Card is lost or stolen, the Cardholder shall notify immediately the Issuer, the Department Manager and the Program Administrator.

10. Audits

- a. Audits of any P-Card may be conducted at any time. Any transaction may be reviewed, and written justification requested by the Program Administrator.

11. Transfer or Termination of Card/Cardholder

- a. Upon termination of employment by the Cardholder, the Cardholder's supervisor or Department Manager shall take possession of the employee's P-Card and any original receipts not yet reconciled. The Cardholder's supervisor or Department Manager shall notify the Program Administrator of the Cardholder's termination.
- b. When a Cardholder transfers to another department, the Cardholder's immediate supervisor or department manager shall immediately notify the Program Administrator.

## CHAPTER 5 PURCHASING POLICY

The Purchasing Policy is set forth in Appendix 3 of the Administrative Policy and Procedures Manual.



## CHAPTER 6 PERSONNEL

### 6.1 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 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.

### 6.2 ADOPTION OF PERSONNEL RULES AND REGULATIONS MANUAL

The General Manager shall prepare and present to the Board such Personnel Rules and Regulations as she or he deems necessary. The Personnel Rules and Regulations shall be adopted, and from time to time amended, by resolution of the Board.

### 6.3 COMPENSATION OF GENERAL MANAGER

The General Manager's compensation shall be reviewed annually by the Board.

### 6.4 ADMINISTRATIVE REORGANIZATION

Notwithstanding any other provision of the Policy Manual to the contrary, the General Manager may administratively reorganize by reassigning an employee to another position without first posting the vacancy in that position. Reassignment may result in a reduction of an employee's compensation and financial benefits.

## CHAPTER 7 MEETINGS

### 7.1 TYPES OF MEETINGS OF THE BOARD OF TRUSTEES

Meetings of the Board of Trustees are classified as follows:

- A. A regular meeting is a regularly scheduled meeting of the Board for which notice of the date, time, and place has been given in the Annual Meeting Schedule.
- B. A special meeting is any meeting of the Board that replaces or is held in addition to regular meetings.
- C. The annual meeting is the meeting at which District officers are elected. The Annual Meeting shall be held on the date and hour of the Board's regularly scheduled meeting in March.
- D. An emergency meeting is a type of special meeting held as a result of unforeseen circumstances, to consider matters of an urgent or emergency nature.
- E. A committee meeting is a meeting held by those Trustees who are members of a committee created by the Board.

### 7.2 PLACE OF MEETINGS<sup>19</sup>

Except as the Board may otherwise determine, meetings of the Board shall be held at the principal place of business of the District. Notice of a meeting to be held at a place other than the principal place of business shall be given as provided by law.

### 7.3 PUBLIC NOTICE OF MEETINGS

- A. An annual schedule of the regular meetings of the Board, including the date, time, and place of each meeting, shall be posted in a conspicuous place at the District's principal office, posted on the District's website, posted on the Utah Public Notice website, and sent to the *Salt Lake Tribune*, *Deseret News*, and other organizations and individuals requesting the schedule.
- B. Notice of the date, time, place and agenda for each regular meeting and committee meeting shall be posted at the District's principal office, posted on the District's website, posted on the Utah Public Notice website, and sent not less than 24 hours before the beginning of each meeting to the *Salt Lake Tribune*, *Deseret News*, and other organizations and individuals requesting such notice.
- C. When possible, the notice described in subsection B shall be given. However, when unforeseen circumstances require calling a special meeting, including an emergency meeting, the notice requirements of subsection B may be disregarded and the best practicable notice given. 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.

### 7.4 NOTICE TO TRUSTEES

Notice of all regular and, when possible, special meetings of the Board shall be sent by the Clerk to all members of the Board by ordinary mail at least five days in advance of each meeting. Such notice

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<sup>19</sup> Utah Code Ann. (1953) § 17B-1-310(2)

shall include the date, time, and place of the meeting as well as a copy of the previous meeting's minutes and the agenda for the present meeting.

#### 7.5 CONDUCT OF MEETINGS<sup>20</sup>

- A. All meetings of the Board shall be conducted according to Robert's Rules of Order when requested by a Trustee of the Board, and shall comply with Utah's Open and Public Meetings Act.
- B. Any Board member shall have the right to place any matter on the agenda if a reasonable notice of seven days is given. The meeting shall follow the agenda unless otherwise agreed.
- C. The Chair shall preside over all special, emergency, and regular meetings of the Board of Trustees, including the Annual Meeting. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and Vice-Chair, the Trustee who has the longest service on the Board of those present at the meeting shall preside.

#### 7.6 QUORUM<sup>21</sup>

A majority of the actual number of Trustees constitutes a quorum for the transaction of District business. A concurrence of a majority of the quorum, in any matter within the scope of their duties, shall be sufficient for the determination of such matter, except as otherwise required by law or by this Manual.

#### 7.7 PRESUMPTION OF ASSENT

A Trustee who is present at a meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless the Trustee's dissent or abstention is entered into the minutes of the meeting or unless that Trustee files a written dissent to such action with the Clerk before adjournment of the meeting. A written dissent shall not apply to a Trustee who voted in favor of such action.

#### 7.8 NO PROXY

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

#### 7.9 OPEN AND CLOSED MEETINGS; ACTIONS TAKEN<sup>22</sup>

- A. All meetings of the Board, except closed meetings, shall be open to the public.
- B. Except as otherwise directed by the Board, closed meetings shall be open only to Board officers, members of the Board, and District staff. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the Board present at an open meeting for which notice is given, provided a quorum is present. A closed meeting may be held for any of the following purposes:
  - 1. Discussion of the character, professional competence, or physical or mental health of an individual.
  - 2. Strategy sessions to discuss collective bargaining.

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<sup>20</sup> Utah Code Ann. (1953) § 17B-1-310

<sup>21</sup> Utah Code Ann. (1953) § 17B-1-310(1)(a)

<sup>22</sup> Utah Code Ann. (1953) § 52-4-101 et seq.

3. Strategy sessions to discuss pending or reasonably imminent litigation.
  4. Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, 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, including any form of water right or water shares, 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; (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 regarding deployment of security personnel, devices or systems.
  7. Investigative proceedings regarding allegations of criminal misconduct.
- C. No resolution, rule, regulation, contract, or appointment shall be approved, and no vote shall be taken, in a closed meeting.

#### 7.10 MINUTES OF MEETINGS TO BE KEPT<sup>23</sup>

- A. Written minutes and a recording shall be kept of all open meetings. Such minutes shall include:
1. The date, time, and place of the meeting.
  2. The names of Board members present and absent.
  3. The substance of all matters proposed, discussed, or decided by the Board, which may include a summary of comments made by Trustees, and a record, by individual Board member, of each vote taken.
  4. The name of each person who is not a Trustee but, after being recognized by the Chair, provided testimony or comments to the Board, and the substance, in brief, of their remarks.
  5. Any other information that any Trustee requests be entered in the minutes.
- B. Minutes shall not be “final” or “official” until they have been formally approved by the Board, and pending minutes shall contain a clear indication they have not yet been approved by the Board and are subject to change until approved.
- C. Unless a closed meeting is called for purposes specified in subsections 7.9.B.1 or 7.9.B.6, in which case the presiding officer shall sign a sworn statement [see suggested affidavit in Appendix of Forms] affirming the purpose of the meeting, a complete and unedited recording, from the commencement of the closed meeting through adjournment of the closed meeting, shall be made of the closed portion of the meeting, and detailed written minutes may be kept. Any recording or minutes of a closed meeting shall include:
1. The date, time, and place of the meeting.

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<sup>23</sup> Utah Code Ann. (1953) §§ 52-4-101 et seq.

2. The names of members present and absent.
3. The names of all others present, except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

#### 7.11 PUBLIC HEARING PROCEDURES

A. Public hearings before the Board shall follow the following 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 Board members.
5. Motion to open public comment session.
6. Call upon individuals who have completed and submitted registration cards.
7. Motion to close public comment session.
8. Staff response.
9. Questions by Board members.
10. Board discussion.
11. Board vote.
12. Motion to adjourn/close public hearing.

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

1. Members of the public who desire to speak shall each first complete a registration card indicating the speaker's name, address and affiliations to the agenda item(s) (or whom the speaker represents).
2. The Chair shall determine who will speak after reviewing the registration cards. Each speaker shall be called by the Chair and, at the discretion of the Board, speakers shall alternate between one speaking in favor of the agenda item and another speaking against it (continuing in this manner so long as possible).
3. Speakers shall state their names, addresses and affiliations to the agenda items (or whom they represent) before beginning their comments.
4. Speakers shall address their comments to the Chair, and they shall not debate with other meeting attendees or make personal attacks.
5. 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 redundant speakers/comments will not be recognized by the Chair.

6. To permit everyone the opportunity to hear the proceedings, attendees shall be as quiet as possible.
  7. The hearing is designed for civil discussion. Therefore, attendees shall not jeer, cheer, yell out comments, or clap.
  8. Attendees shall not display any signs or distribute any handouts or flyers in the hearing room.
  9. After the close of the public comment period, discussion shall be limited to Board members and staff.
- C. The Chair of the public hearing shall enforce the procedures and rules set forth above in subsections A and B. The Chair, at its discretion and consistent with the District's policies and procedures, may take such additional actions as will promote an orderly and efficient public hearing.

## 7.12 ELECTRONIC MEETINGS

- A. As used in this section:
1. "Act" means the Utah Open and Public Meetings Act, Utah Code Ann. (1953) §§ 52-4-1 et seq.
  2. "Closed to the public" means a meeting which the public is not allowed to attend pursuant to the Act.
  3. "Open to the public" means a meeting which the public is allowed to attend pursuant to the Act.
  4. Terms used in this Chapter which are defined in the Act, shall have the meaning given by the Act.
- B. As authorized by the Act, the Board may hold, convene, and conduct any meeting in which one or more Trustees and/or District employees participate electronically, provided:
1. The notice for, and procedures of, the meeting shall conform to the Act and to all applicable provisions of this Manual; and,
  2. The Board, after it makes reasonable effort to do so, is unable to hold the meeting with all Trustees and/or District employees physically present in the anchor location.
- C. Trustees and/or District employees not physically present, but who wish to participate electronically in a meeting, shall be connected to the anchor location by means of a telephonic, telecommunications, or computer conference, subject to the following conditions:
1. The Board, at the appointed time, shall initiate contact with those Trustees and/or District employees who indicated they will attend electronically.
  2. Trustees and/or District employees participating electronically shall use a secure, encrypted Internet line or a secure, telephone line that prevents unauthorized parties from listening.

3. Trustees and/or District employees participating electronically shall not use speaker phones or other communication equipment that may allow unauthorized parties to overhear the meeting.
- D. Applicable procedures in this Manual shall govern an electronic meeting, with the following additions:
1. Trustees and/or District employees who wish to participate electronically shall notify the Board at least twenty-four (24) hours before the scheduled start of the meeting and shall provide contact information to allow their participation.
  2. Minutes of the meeting shall note that the meeting was conducted electronically in accordance with the Act and with this Chapter. The minutes shall note the identity of those Trustees and/or District employees participating electronically.
  3. All parties participating electronically should be able to hear and to speak with each other and all present in the anchor location.
  4. Trustees and/or District employees and parties in the anchor location should be able to hear and to speak with those participating electronically.
  5. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a quorum and voting.
  6. 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.
  7. At the conclusion of the meeting, persons attending electronically shall verbally certify that they participated in good faith in the entire meeting.
- E. An anchor location for all electronic meetings shall be the Board Room in the Administration Building of the District, 8215 South 1300 West, West Jordan, Utah. All electronic meetings shall originate from this location; however, the Board, at its discretion, periodically may select alternative and/or additional anchor location(s).
- F. Inasmuch as confidentiality may be intentionally or inadvertently compromised, the following shall not be part of any electronic meeting:
1. Communication among the Board, staff and the District's legal counsel, such that the attorney-client privilege may be breached.
  2. An interview or discussion by the Board of an employee or a candidate for employment.
  3. Topics required or allowed to be kept confidential, private or secret by state or federal law.
  4. Any other topic which the Board determines must remain confidential, private or secret.

Nevertheless, the preceding topics may be part of an electronic meeting if the Board, at its discretion, determines it is in the best interests of the District.

## CHAPTER 8 RISK MANAGEMENT

### 8.1 SELF INSURANCE

- A. The District is self-insured for the amount of the deductible(s) on all insurance coverage for general liability, motor vehicles, and property damage. Commercial property and boiler and machinery coverage is carried on the District's principal office, the Southeast Regional Water Treatment Plant, the Jordan Valley Water Treatment Plant, the Southwest Groundwater Treatment Plant, the Jordan Narrows Pump Station, the Terminal Reservoir, and large transmission pipelines. A fund has been established to pay administrative and claims expenses.
- B. The Board shall review the balance of the self-insurance fund annually when considering the District's budget and make adjustments to the target balance by resolution. Unless increased by resolution, the maximum balance of the self-insurance fund shall not exceed Ten Million Dollars (\$10,000,000.00).

### 8.2 PROCEDURE FOR FILING AND PROCESSING OF CLAIMS

- A. The procedures for filing and settling claims shall conform with the statutory guidelines contained in the Utah Governmental Immunity Act, Utah Code Ann. (1953) § 63-30-1, et seq., as amended.
- B. The General Manager may prescribe the use of forms and promulgate administrative procedures not inconsistent with the Utah Governmental Immunity Act to expedite the claims-processing procedures of the District.
- C. The General Manager shall periodically advise the Board concerning claims which have been filed against the District.
- D. The General Manager, after conferring with the District's General Counsel, may compromise and settle any claim if the payment in compromise is \$75,000 or less. All claims settled by the General Manager shall be reported to the Board. The settlement and compromise of claims in an amount exceeding \$75,000 must be authorized by the Board.

### 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 Utah Governmental Immunity Act.

### 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: systematic risk identification; risk and hazard evaluation; safety, training and loss control activities; claims processing; and 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.

## CHAPTER 9 CONDUCT AND ETHICS

### 9.1 STANDARDS OF CONDUCT

This chapter establishes standards of conduct for Trustees and employees, and requires these persons to disclose actual and potential conflicts of interest between their public duties and their personal interests.

### 9.2 ETHICS

- A. The conduct of District Trustees and employees shall be consistent with the laws of the State of Utah, including but not limited to the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. (1953) § 67-16-1 et seq., as amended.
- B. To promote the public interest and strengthen the faith and confidence of people in the integrity of the District, each Trustee shall annually certify awareness, understanding, and compliance with the Utah Public Officers' and Employees' Ethics Act (UCA § 67-16-1 et seq.). The Annual Certification shall be in the following form, which may be amended periodically by the Board:

#### ANNUAL CERTIFICATION

I, \_\_\_\_\_, as a member of the Board of Trustees or an employee of the Jordan Valley Water Conservancy District, hereby certify that I have received a copy, read, and understand the Public Officers' and Employees' Ethics Act, Utah Code Ann. §§ 67-16-1, et seq., setting forth standards of conduct for officers of the State of Utah's political subdivisions. I agree that during my tenure as a member of the Board of Trustees or an employee of the Jordan Valley Water Conservancy District, I will abide by and conduct myself within the Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### 9.3 GIFTS

- A. For this paragraph, "gift" shall mean anything voluntarily transferred from one person or entity, who was not then a Trustee or employee of the District, to a Trustee or an employee without fair value given in return. "Gift" shall not mean anything given to a Trustee or an employee (i) by the District, or (ii) publicly by a third party as an award, prize, or honorarium to recognize meritorious service to the District, to the District's mission, to a member agency or customer of the District, or to an association in which the District is a participant or member.
- B. Neither a Trustee nor an employee, in the scope of employment or service with the District, shall accept a gift having a value in excess of \$50.00.

- C. If a Trustee or an employee receives a gift that has a value in excess of \$50.00 or that either is perishable or time-sensitive, the gift shall be delivered to the General Manager within two business days following receipt. The General Manager shall arrange for an appropriate distribution of the gift either, at the General Manager's discretion, to all employees generally by random drawing or as an award to an employee publicly given to recognize meritorious service to the District.

## CHAPTER 10 VEHICLES

The Vehicle Policy is set forth in Chapter 14 of the Personnel Rules and Regulations Manual.

## CHAPTER 11 TRAVEL POLICY

### 11.1 TRAVEL POLICY GENERAL RULES

This chapter shall be known as the District's Travel Policy.

### 11.2 PURPOSE

The purpose of this Policy is to establish rules governing travel by trustees, officers, and employees on behalf of the District and accounting for the associated expenses.

### 11.3 APPROVED TRAVEL

- A. Trustees are authorized to attend conferences, seminars, meetings, and workshops if they are participants or if, in the judgment of the Board, their attendance will benefit the District. Trustee travel shall be approved by the Board prior to the District incurring expense for travel. Trustees are authorized to attend the following meetings each year without preapproval:
  - 1. Utah Water Users Association - Annual Meeting
  - 2. American Water Works Association (AWWA):
    - (a) Intermountain Section Annual Meeting
    - (b) Annual Conference & Expo (ACE)
    - (c) WaterSmart Innovations
  - 3. Utah Association of Special Districts - Trustee Training
  - 4. Colorado River Water Users Association - Annual Meeting
- B. A Trustee may elect to attend other meetings in lieu of those identified in subsection A, provided the cost to attend the substitute meeting does not exceed the budgeted cost of the meeting which will be replaced. The substituted meeting must serve a District purpose or provide a benefit to the District.
- C. Employee travel is allowed when considered necessary to further the performance of an employee's work, when considered training for the employee's current job, or when, in the judgment of the General Manager, the attendance will serve a District purpose or provide a benefit to the District. Employee travel which has not been specifically budgeted in the current fiscal year financial plan and all travel outside the State of Utah shall not occur without the prior approval of the General Manager.

### 11.4 TRAVEL REQUEST PROCEDURE

- A. All travel arrangements should be made by the Administrative Assistants to the General Manager, the Deputy General Manager, if applicable, or the Assistant General Managers, including meeting registration, transportation, lodging, and car rental.
- B. All travel requests should be made to an Administrative Assistant at least 3 months prior to departure, or sooner if possible.

- C. In making travel arrangements for transportation, lodging, and car rental, the District should consider several available service providers (including, for example, the Utah State Travel Office, private travel companies, and reservation services); shall seek the best available rates given the needs of the traveler and the District, and the specific details of the planned travel; and shall inquire about the availability of discounts or price concessions for government employees.
- D. To avoid errors in travel arrangements and reimbursements when more than one organization is willing to provide travel for a District traveler to the same destination and activity, it is preferred that a single organization be selected to make and pay for all travel arrangements.

## 11.5 ALLOWED TRAVEL EXPENSES

It is the policy and intent of the District to reimburse District travelers for the reasonable costs associated with approved business travel. These policies are developed to be consistent with the Utah Administrative Code R25-7 for Travel-Related Reimbursements for State Employees (UAC) and they may be changed by the General Manager from time to time to reflect changes to the UAC or other District Policies. All requests for reimbursement for transportation, lodging, car rental, parking, or meeting registration shall be accompanied with a receipt. It is the responsibility of the traveler to distinguish between allowed expenses and spouse, companion, or personal expenses.

- A. Registration costs for conferences, seminars, training, or other meetings which are not paid by the District or any other entity shall be reimbursed to the traveler. However, any part of the registration which pays for or defrays personal activities (tours, guest registrations, etc.) will not be reimbursed to the traveler, and the traveler will reimburse the District for these costs if the District has prepaid the registration.
- B. In-state travel will generally be by ground transportation, while out-of-state travel will be by air.
  - 1. Air transportation shall be limited to coach, and airline tickets for a District traveler shall be purchased by the District unless prior approval is otherwise given by the General Manager. The District shall seek the least expensive airfare at the time a reservation is made. If the least expensive airfare is a "Red-eye" flight or a flight with more than one (1) layover, the traveler has the option to take that flight or schedule another.
  - 2. If airfare arrangements are made by the traveler, the traveler first shall contact an Administrative Assistant to establish the reasonable cost of airfare by examining currently available airfare rates. Reimbursement will be made by the District for the actual cost incurred by the traveler so long as it does not exceed the reasonable cost of airfare established between the traveler and the Administrative Assistant. If the traveler elects to travel by air on a standby basis without cost to the District, the traveler will be reimbursed \$100.00.
  - 3. The District will not be responsible for arranging or purchasing airfare for a spouse, relative, or friend of a District traveler. When traveling with a spouse, relative or friend, the traveler shall comply with subsection B.2.
  - 4. All frequent flyer awards may be retained by the traveler and used as desired.
  - 5. If a traveler uses a private vehicle instead of flying, reimbursement will be paid according to the reimbursement rate established by the UAC, but cannot exceed a reasonable cost of airfare. However, the traveler may elect to drive and to receive

the mileage reimbursement if the destination is within 350 miles (one-way) of the District's principal office regardless of the cost of airfare.

6. Unless otherwise approved by the General Manager, a District traveler may not use a District-owned vehicle for travel to a destination that exceeds 100 miles one way from the District's principal office or when an overnight stay is required. In addition, a District traveler shall not use a District-owned vehicle to transport family members, relatives, or friends to or from a travel destination.
- C. Lodging shall be paid at the single occupancy standard room rate or up to the applicable conference rate.
1. Any upgrade to a hotel or room higher than the conference rate will be at the expense of the traveler.
  2. If a traveler elects to stay with friends or relatives or to use a personal camper, trailer, motor home, or residence, the traveler will be reimbursed \$25.00 per night with no receipt required, or up to \$40 per night with a signed receipt from a facility such as a campground or trailer park.
  3. If a traveler uses a private vehicle for out-of-state travel, an allowable amount for lodging will be paid for the same period of time that would have occurred had the traveler used air transportation.
- D. Car rental expense may be reimbursed if approval to rent a car for District purposes has been given in advance by the General Manager. Reimbursement for car rental will be no more than the compact car rate unless special circumstances require a larger vehicle. If the traveler elects, for the traveler's convenience, to rent a car upon arriving at the destination by air travel, reimbursement of the avoided cost of ground transportation to and from the airport to the hotel will be made. Car rental expenses may be reimbursed when rental expenses are less than other available forms of transportation and when approved by the General Manager.
- E. Allowance for meals and incidental expenses.
1. A District traveler may be eligible for meals and incidental expenses allowance when traveling on District business to a destination that is at least 100 miles from the District's principal office and at least one overnight stay is required. The Utah Association of Special Districts Annual Meeting shall be considered to be farther than 100 miles from the District's Administration Building for purposes of this paragraph regardless of where the meeting is held.
  2. The District shall use the UAC Tables to calculate meal allowances or reimbursement for District travelers. The meal allowance or reimbursement calculation is comprised of three (3) parts as provided in the UAC: the time of day travel begins; the number of days at the travel destination; and the time of day travel ends. The daily allowance shall include up to three (3) meals (breakfast, lunch, and dinner) depending on the time of day travel begins and ends. Locations throughout the United States qualify for different daily meals allowance or reimbursement as provided under the UAC.
  3. If the cost of a traveler's meal is paid as part of the meeting registration fee or is paid by the District as part of a District-sponsored meal, the portion of the meal allowance assigned to that meal shall be reimbursed by the traveler to the District.

4. Receipts are not required if the standard meal allowance is requested as reimbursement for all meals.
  5. If a traveler uses a private vehicle for out-of-state travel, an allowable amount for meals will be paid for the same period of time that would have occurred had the traveler used air transportation.
  6. District travelers who travel on District business may be eligible for a reimbursement for incidental expenses. Travelers will be reimbursed for actual out-of-pocket costs for incidental items such as baggage tips, baggage fees, transportation costs including tips, maid service, and bellman. Gratuities/tips for various services such as assistance with baggage, maid service, and bellman may be reimbursed up to a combined maximum of \$5.00 per day. No other gratuities will be reimbursed; tips for doormen and meals are not reimbursable. The traveler shall submit an original receipt for each individual incidental item exceeding a cost of \$19.99.
  7. The General Manager may approve an overnight stay and meals and incidental expenses reimbursement or allowance for a traveler attending a conference or business function with a destination less than 100 miles, but not less than 40 miles, from the District's Administration Building if it is determined by the General Manager that a potential safety condition exists when traveling to or from the conference or business function.
- F. Travelers shall be reimbursed for actual out-of-pocket costs for certain miscellaneous items. Each miscellaneous cost shall be supported with a written receipt or other documentation. The miscellaneous costs and the applicable limitations are as follows:
1. Reimbursement will be provided for long-term parking or park and ride facilities for allowable travel days as specified in Section 11.6. The maximum that airport parking will be reimbursed is the economy lot parking rate at the airport the traveler is flying from.
  2. Reasonable costs for hotel parking will be allowed if the traveler has received advance approval from the General Manager to rent a car for District purposes as set forth in subsection 11.5.D or elected to drive a personal vehicle to a destination within 350 miles of the District Administration Building as set forth in subsection 11.5.B.
  3. If the District does not provide the Traveler with a cellular telephone or cellular telephone stipend, the District shall provide a pre-paid telephone card or reimburse personal long distance telephone call expenses and any surcharges up to \$5.00 for each day of travel. The District will also reimburse all business long distance telephone call expenses.
  4. The District shall reimburse travelers for reasonable costs related to ground transportation for travel from the airport to the hotel, or convention center, return to the airport, and other business related activities. This will include fares for taxi, ride-sharing services, bus, shuttle or subway, or highway tolls. (The traveler is encouraged to use the most economical and reasonable form of transportation).
  5. The District will reimburse the traveler for internet access fees incurred for District purposes. When possible, the traveler should use a District wireless access card.
- G. The District will not pay for or reimburse a traveler for expenses not described in this section, including expenses associated with:



1. Spouse or companion expenses.
2. Personal expenses for entertainment, sightseeing, nonbusiness-related tours, or other activities.
3. Transportation to restaurants.
4. Alcohol expenses.
5. Any expense otherwise included in meals allowance and incidental expenses.

#### 11.6 COUNTING BUSINESS DAYS FOR TRAVEL TIME

- A. A traveler's time spent traveling shall be counted as business days worked, at the traveler's normal number of hours worked per day ("Travel Time").
  1. Travel Time begins on the date and time of day the traveler leaves a location for the travel destination.
  2. Travel Time includes the days at the travel destination attending a conference or meeting, and time spent conducting District business (hereinafter referred to as "District Activity").
  3. If the travel destination is over 100 miles from the District's Administration Building, and an overnight stay is required, up to one full day may be counted as Travel Time for the day preceding the day the District Activity begins.
  4. Travel Time concludes on the date and time of day the traveler returns to a location from the travel destination.
  5. For destinations greater than 750 miles from the District's Administration Building, the day following the conclusion of the District Activity shall be counted as Travel Time.
  6. For destinations greater than 100 miles and less than or equal to 750 miles from the District's principal office, Travel Time shall include the day following the District Activity if the District Activity concludes later than 1:00 p.m. MST. For District Activities concluding earlier than 1:00 p.m. MST, Travel Time will not be given to the traveler for the day following the day the District Activity concludes and no additional lodging will be paid for by the District following conclusion of the District Activity, unless otherwise approved in writing by the General Manager.
- B. An employee whose time spent travelling is greater than the Travel Time as defined in this section will be required to use annual leave for the additional time taken to the extent the additional time is during the employee's regular work week.

#### 11.7 POST-TRAVEL REPORTING

- A. Upon completion of travel, the traveler shall complete a "Travel Expense Reimbursement Request" form which includes the actual expenses incurred by the traveler or allowance for meals and mileage. This form needs to be submitted to the Administrative Assistant no later than 30 days from the completion of travel. Attach all appropriate documentation and receipts to the Reimbursement Request.

- B. An Administrative Assistant will reconcile any travel advance with the actual expenditures, and the receipts supporting those expenditures, and prepare the "Travel Expense Summary." A copy of this Summary shall be provided to the General Manager, the Deputy General Manager, if applicable, Assistant General Managers, Department Manager, traveler, and to the Purchasing Agent for reimbursement.
- C. A quarterly report of Trustee and employee travel expenses shall be provided to the Board.

#### 11.8 CREDIT CARDS

American Express Corporate Cards may be issued in the names of the General Manager, the Deputy General Manager, if applicable, and the Assistant General Managers, and these cards may be used by them for District purposes. A corporate credit card may also be authorized for use by the General Manager's, the Deputy General Manager's, if applicable, and the Assistant General Managers' Administrative Assistants to purchase airline tickets, make lodging reservation deposits, and pay conference registrations.

#### 11.9 TRAVEL LIMITATIONS

- A. Subject to the prior approval of the General Manager in accordance with subsection B, an employee may attend each fiscal year up to one conference, seminar, workshop, or similar meeting outside the State of Utah. The AWWA Intermountain Section Annual Meeting shall be considered an in-state conference for purposes of this section regardless of where the meeting is held.
- B. The provisions of subsection A are not applicable to the General Manager, the Deputy General Manager, if applicable, the Assistant General Managers, or the General Counsel.
- C. On occasion, an employee may be asked to travel for the following specific purposes:
  - 1. To witness a demonstration or testing of equipment or material.
  - 2. To receive specific training on software or equipment currently utilized or to be imminently utilized by the District.
  - 3. To receive specific training to obtain certifications required by the employee's job description.
  - 4. To perform an assignment at the direction of the General Manager.
  - 5. To act as a presenter at a conference or training event held outside the State of Utah.
- D. Travel for the purposes described in subsection C:
  - 1. Shall be rare and shall be approved in writing in advance by the employee's supervisor and by the General Manager.
  - 2. Is exempt from the provisions in subsection A.
  - 3. May be paid for, in whole or in part, by a vendor or third-party if in the best interest of the District, but only with the written approval of the General Manager.

#### 11.10 PER DIEM AND TRAVEL EXPENSE RATES

Notwithstanding any rule or policy in the Travel Policy to the contrary and effective as of November 8, 2017, the District hereby adopts by reference the travel per diem rates and travel expense rates authorized by §63A-3-106, §63A-3-107 and the rules made by the Utah Division of Finance pursuant to both sections.

## CHAPTER 12 INVESTMENT POLICY

### 12.1 INTRODUCTION

It shall be the policy of the District to invest its cash assets in such a manner as to comply with the requirements of the State Money Management Act (the "Act," Utah Code Ann. (1953) § 51-7-1 et seq.), 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.

### 12.2 SCOPE

- A. The investment policy of the District shall include all cash balances that may exist periodically in all funds of the District for both short and long-term investments. While certain market conditions may allow for short-term investment of funds in a vehicle other than the Utah Public Treasurers' Investment Fund ("UPTIF"), the primary purpose of this policy is for the investment of funds for periods of six months or longer. This includes the Revenue Fund, O & M Fund, Capital Projects Fund, Bond Project Funds, Emergency Self-Insurance Fund, Development Fee Fund, and Debt Service Reserve Fund.
- B. If it is in the District's best interest to acquire investments in larger blocks than there are monies in any particular fund, the District may choose to consolidate certain funds to maximize investment earnings.

### 12.3 OBJECTIVES

The objectives of this investment policy include the following:

- A. To provide for the safety of principal, preservation of capital and the mitigation of risk.
- B. To provide for the liquidity necessary to match the District's cash requirements.
- C. To increase interest income through higher yielding investments.

### 12.4 POLICY

Based upon the foregoing, the following shall be the investment policies of the District:

- A. Prudence.
  - 1. All investment activities shall be conducted with the same degree of judgement and care, under circumstances then prevailing, which persons of ordinary prudence, discretion and intelligence exercise in the management of their own affairs.
  - 2. District Trustees, officers, employees and professionals retained by the District that act in the capacity of investment officers 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.

B. Ethics and Conflicts of Interest.

1. District Trustees, officers, 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.
2. Any conflict of interest with this investment policy shall be reported to the General Manager.

C. Investment Committee.

1. The General Manager shall appoint an Investment Committee ("Committee") to oversee the investment of funds of the District.
2. The Committee, chaired by the Treasurer, shall meet as needed to make recommendations to the General Manager regarding the investment policies and procedures of the District.
3. The Treasurer is authorized to invest District funds without prior Board approval, provided the investments:
  - a. comply with this Investment Policy, the Act and provisions of bond documents;
  - b. do not obligate the Board to take further action; and
  - c. do not expose the District to unreasonable risk or expense.
4. The General Manager is authorized to execute all documents for investments made by the Treasurer pursuant to this paragraph.

D. Delegation to the Treasurer.

1. The Treasurer shall be responsible for conducting investment activities and shall establish procedures for conducting investment activities consistent with this policy, although the Treasurer is authorized to delegate these tasks to an investment management firm registered with the SEC pursuant to the Investment Advisors Act of 1940.
2. The Treasurer shall maintain a system of checks and balances and internal controls so that District funds will, at all times, be protected from loss, theft and fraud.

E. Safekeeping, Custody and Authorized Dealers.

1. The Treasurer shall name a financial institution with a Utah office that shall be the custodian for all investments made by the District, except for the UPTIF investments which shall be held by the financial institution designated by the State Treasurer.
2. In addition, the District shall purchase investments only from those certified dealers and registered agents that have registered with the State Money Management Council.

F. Authorized Investments.

1. The District may make any investment authorized by the Act.
2. If the District chooses to invest in repurchase agreements, a master repurchase agreement shall be used. Purchase of securities shall be made on the basis of delivery vs. payment ("DVP").
3. The Treasurer shall name a Utah domiciled custodian whose responsibility it will be to hold all investment securities for the benefit of the District.

G. Diversification.

1. If the District invests in commercial paper or corporate bonds, it shall restrict such investments to 5% of the total investment portfolio for any one issuer and 50% of the total portfolio in the combined amount of commercial paper and corporate bonds.
2. All percentages shall be calculated as of the date of purchase. This restriction does not apply to any other investment.

H. Maximum Maturity.

1. To the extent possible, the District shall attempt to match investments with anticipated cash requirements. Unless matched to a specific cash flow or designated capital project, the District shall not directly invest in securities maturing more than 60 months from the date of purchase.
2. However, the maximum maturity restrictions shall not apply to collateral used for qualified repurchase agreements.

I. Reporting.

1. The Treasurer shall report the status of investments on a monthly basis to the Board of Trustees.
2. The District shall require any retained professionals to provide status reports on a monthly basis and performance reports not less frequently than quarterly. In so doing, the District shall use industry recognized standards as benchmarks as applicable based on the type of investment.

CHAPTER 13  
PUBLIC RECORDS POLICY

13.1 GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

The Utah Government Records Access and Management Act ("GRAMA"), Utah Code Ann. (1953) § 63-2-101 et seq., provides the basis for the District's information practices, including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records, except as otherwise set forth in this policy.

13.2 CLASSIFICATION OF RECORDS

The District adopts GRAMA's standards for classification and designation of its records as public, private, controlled, or protected. The District requires classification of its records in accordance with those standards.

13.3 EXECUTIVE/CHIEF ADMINISTRATIVE OFFICER

The District's General Manager shall be considered its executive officer and chief administrative officer for all purposes under GRAMA and this policy.

13.4 RECORDS MANAGER

The District's Records Manager shall be considered its records officer for all purposes under GRAMA and this policy.

13.5 REQUESTS FOR RECORDS

A request for a record shall be directed to the District's Records Manager at 8215 South 1300 West, West Jordan, UT 84088.

13.6 FEES

- A. Fees are payable to the District at the time the record is provided.
- B. Fees received are credited to the account from which expenditures were made.
- C. Fees for copies are based on the number of record sources to be copied and are as follows:
  - 1. Paper: \$0.25 per sheet.
- D. There is no fee for the first fifteen (15) minutes of personnel time to copy a record. The fee for time beyond the first fifteen (15) minutes is charged in fifteen (15) minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record:
  - 1. Administrative Assistant: \$40.00 per hour.
  - 2. Records Manager: \$40.00 per hour.
  - 3. Consultant: Actual cost as billed by the consultant.
- E. If a record is converted from one medium to another, the fee is the actual cost.
- F. The fee for mailing is the actual cost.

- G. Records shall be provided at a time and in a manner that does not interfere with the regular business of the District.
- H. Fees shall be waived:
  - 1. For any person who is the subject of the record and who is impecunious; or,
  - 2. If the fee is minimal.

### 13.7 APPEALS

- A. Any person aggrieved by the District's classification, designation, or access decision may appeal the determination within thirty (30) days by filing a notice of appeal.
- B. If the District claims extraordinary circumstances and specifies the date when the records will be available, and if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the claim of extraordinary circumstances or date for compliance within thirty (30) days after notification of a claim of extraordinary circumstances by filing a notice of appeal.
- C. The notice of appeal shall be filed with the District's Board of Trustees and shall contain the petitioner's name, mailing address, daytime telephone number, and the relief sought. The petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.
- D. If the appeal involves a record that is the subject of a business confidentiality claim, the District's Board of Trustees shall send notice of the appeal to the business confidentiality claimant within three (3) business days after receiving the notice of appeal, and send notice of the business confidentiality claim and the schedule for determination to the requester within three (3) business days after receiving the notice of appeal. The business confidentiality claimant shall then have seven (7) business days to submit further support for the claim of business confidentiality.
- E. The District's Board of Trustees shall make a determination on the appeal within five (5) business days after receipt of the notice of appeal, or within twelve (12) business days after the Board sends the notice of appeal to the person who submitted the claim of business confidentiality. If the Board fails to make a determination within the time specified, the failure shall be considered the equivalent of an order denying the appeal.
- F. The parties participating in the proceeding may, by agreement, extend the time periods specified in this paragraph.
- G. The District's Board of Trustees shall send written notice of its determination of the appeal to all participants. If the Board affirms the denial in whole or in part, the denial shall include a statement that the requester has the right to appeal the denial to the district court for judicial review, and the time limits for filing an appeal. The petition shall be filed no later than thirty (30) days after the date of the Board's order.
- H. A person aggrieved by the District's classification or designation determination, but who is not requesting access to the records, may appeal that determination using the procedures provided in this paragraph.



CHAPTER 14  
CAPITAL ASSET ASSESSMENT, MAINTENANCE, AND REPLACEMENT POLICY<sup>24</sup>

14.1 INTRODUCTION

This Policy provides for the assessment, maintenance, and replacement of capital assets that are “qualified capital assets,” as required by law.

14.2 DEFINITIONS

For purposes of this Policy:

- A. A “capital asset” means one of the following, which is owned by the District and is a significant investment or an essential component necessary to provide a service:
  - 1. a facility;
  - 2. infrastructure, whether above or below ground;
  - 3. equipment; or
  - 4. a communications network.
- B. A “qualified capital asset” means a capital asset that is inventoried, assessed, funded, or otherwise subject to the following criteria:
  - 1. fixed assets which require on-going maintenance, repair, or replacement to perform their intended function; and,
  - 2. fixed assets which have been capitalized and are depreciated using generally accepted accounting principles; and,
  - 3. fixed assets which are included in at least one of the following categories:
    - a. buildings with associated equipment and site improvements.
    - b. aqueducts or pipelines and associated facilities.
    - c. water treatment process buildings with associated equipment and site improvements.
    - d. well pump stations with associated equipment and site improvements.
    - e. booster pump stations with associated equipment and site improvements.
    - f. water storage tanks or reservoirs with associated equipment and site improvements.

14.3 ASSET INVENTORY

At least every five years, the District shall complete an inventory of each qualified capital asset, including for each qualified capital asset:

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<sup>24</sup> Utah Code Ann. (1953) § 17B-2a-1010

- A. an engineering description;
- B. location;
- C. physical dimensions and condition;
- D. documentation of its standard features;
- E. warranties;
- F. maintenance history;
- G. replacement costs;
- H. market value;
- I. original useful life;
- J. remaining useful life; and,
- K. an assessment of its physical condition in accordance with a method identified in Section 14.4, below.

#### 14.4 ASSESSMENT OF PERFORMANCE AND PHYSICAL CONDITION

- A. The physical condition of each qualified capital asset shall be assessed using the benefit/cost justification method. The District will estimate the total cost which will be incurred as a consequence of premature failure of the asset. The avoidance of that cost will be termed the "benefit" in the analysis. The "cost" portion of the analysis will be the cost of completing the condition assessment. The District will utilize a reasonable assessment protocol justified by the benefit/cost justification method, which may include but is not limited to the following:
  - 1. little or no physical inspections, condition is assessed based on the maintenance history and the percentage of the default effective-service life which has transpired.
  - 2. physical inspections (visual inspections, vibration analysis, pipe to soil corrosion potential analysis, acoustic/ultrasonic/electromagnetic analysis, pipe wall thickness analysis, etc.). To the extent justified by the benefit/cost analysis, a sufficient number of samples of the asset will be assessed to determine a statistically defensible opinion of the condition of the entire category of each asset.
- B. Performance and condition standards for each qualified capital asset may be:
  - 1. a safety standard mandated by local, state or federal law or by District policy;
  - 2. a standard condition of receiving federal, state, or local funding; or,
  - 3. an applicable engineering or other professional standard.

#### 14.5 EVALUATION OF EFFICIENCY AND EXPECTED SERVICE DELIVERY

The efficiency and expected service delivery of each qualified capital asset shall be evaluated by measuring the actual performance of an asset and comparing it against the predicted performance of an ideal asset under similar operating conditions.

#### 14.6 PRIORITY OF MAINTENANCE OR REPLACEMENT

The priority of maintenance or replacement of qualified capital assets shall be determined by the following objective criteria:

- A. required level of service;
- B. estimated direct and indirect costs resulting from failure of the asset;
- C. estimated costs to perform maintenance and estimated additional service life resulting from completion of the maintenance; and,
- D. estimated costs to replace the asset.

#### 14.7 MONITORING

Applicable departments shall monitor and report findings to the General Manager about the use of, and compliance with, this Policy, including a comparison between the current status of each qualified capital asset and its targeted standards, as set forth in this Policy.

#### 14.8 FINANCIAL GUIDELINES FOR FUNDING EXTRAORDINARY MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT OF QUALIFIED CAPITAL ASSETS

- A. The District adopts water rates, financial plans, and capital improvement plans, and it levies property taxes and issues bonds, all as part of a multiyear capital asset plan that dedicates revenue to the assessment, maintenance, repair, rehabilitation, and replacement of priority qualified capital assets.
- B. The District's multiyear plan, and its annual operating budget, include the following criteria and guidelines for allocating sufficient funds to assess, maintain, repair, and replace qualified capital assets:
  - 1. when averaged over a twenty-year planning period, the majority of the funding will be derived from revenue generated from water sales, which is an ongoing source of funds; and,
  - 2. extraordinary costs incurred to respond to a substantial natural or man-made disaster are exempt from this section.
- C. A repair and replacement reserve fund for capital projects is maintained within the District's Capital Projects Fund, and the reserve fund is allocated for repair and replacement of qualified capital assets, as required by law.
- D. The Board shall adopt an annual operating budget that includes on-going funding in the multiyear capital asset plan, and in each annual operating budget, for repair and replacement costs of qualified capital assets in accordance with this Policy.

#### 14.9 REPORTING

The District shall submit a report of its qualified capital asset facilities to the director of the Division of Water Resources beginning no later than December 31, 2017, and no less than every five years thereafter. The report shall contain the information required by law.

## CHAPTER 15 MISCELLANEOUS POLICIES

### 15.1 POLICY FOR DELIVERY OF WATER TO TAX-EXEMPT AGENCIES

The basic mission of the District is to develop a water supply for the rapidly growing areas within the District's boundaries. Its mission is to provide quality, fairly-priced water, in a safe, environmentally-sensitive manner.

The District develops and maintains positive and effective relationships with its retail and wholesale customers and governmental and regulatory entities in acquiring and protecting water rights, and in cooperatively developing facilities with other entities to meet the water needs of the District's service area.

### 15.2 USE OF DISTRICT ASSETS FOR CHARITABLE CAUSES AND EMERGENCIES

- A. The purpose of the District is set forth in the Limited Purpose Local Government Entities -- Local Districts Act, the Water Conservancy District Act, and the District's Bylaws. The District's mission statement is set forth in Section 1.2 of the Administrative Policy and Procedures Manual. District facilities, finances, water rights, materials, labor, equipment or property shall not be used for charitable causes or activities that do not directly enhance the purposes or mission of the District.
- B. The General Manager may make District facilities, equipment or properties available to the District's member agencies 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.

### 15.3 RECOMMENDATIONS FOR GOVERNMENTAL APPOINTMENTS

- A. The General Manager shall advise the Board when a vacancy occurs in a governmental board or office that is relevant to the District.
- B. District recommendations for appointment to governmental boards and offices may be made by a resolution duly adopted by the Board.

### 15.4 RENTAL OF EDUCATION CENTER AND CONSERVATION GARDEN PARK

- A. The Education Center and Conservation Garden Park, when not being used for their primary uses as established by the Board, may be rented to third parties to accommodate various third party uses including but not limited to, educational classes and workshops, business functions or private parties. Rental for weddings or wedding receptions is not allowed.
- B. Rental of the Education Center and Conservation Garden Park shall be at market rates. Market rates shall be established through a market analysis performed periodically by the District no less than once every three years.
- C. Rental of the Education Center and Conservation Garden Park shall be completed by a written agreement signed by the General Manager, the Deputy General Manager, if applicable, or an Assistant General Manager.
- D. Executed rental agreements shall be reported to the Board periodically.

## 15.5 GRIEVANCE PROCEDURE FOR NON-EMPLOYEES

### A. POLICY

1. Jordan Valley Water Conservancy District does not discriminate based on race, color, religion, gender, national origin, political affiliation, sexual orientation, gender identity, age, disability, or any other characteristic protected by law.

### B. PURPOSE

1. To provide a prompt and equitable resolution of grievances alleging any discrimination based on disability in providing equal access to the services, educational programs, or activities sponsored by the District.

### C. DEFINITIONS

1. Civil Rights Coordinator: The individual designated to administer, promote, and oversee the District's compliance with 40 C.F.R. Parts 5 and 7.
2. Qualified individual with a disability: A person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

### D. PROCEDURE

1. Any person who believes they have been subjected to discrimination or denied equal access to services, educational programs, or activities offered by the District may file a grievance under this procedure. It is against the law for the District to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
2. The General Manager shall appoint a Civil Rights Coordinator.
3. Grievances must be submitted to the District's Civil Rights Coordinator (or her/his designee) as soon as possible, but no later than sixty (60) calendar days, after the date the person filing the grievance becomes aware of the alleged discriminatory action. The Civil Rights Coordinator may be contacted at: 8215 South 1300 West, West Jordan, 84088; Phone: 801-565-4300.
4. Grievances may be submitted in person or in writing and must contain the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought. Upon request, District personnel will assist an interested person in filing a grievance and will forward the completed grievance to the Civil Rights Coordinator for investigation or other appropriate action.
5. The Civil Rights Coordinator will conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. The Civil Rights Coordinator will maintain the files and records relating to such grievances.
6. Upon request, the Civil Rights Coordinator will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in this

grievance process. Such arrangements may include making the grievance procedure available in alternative formats such as Braille, large print, audio recording, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier-free location for proceedings.

7. The Civil Rights Coordinator shall issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing.
8. The person filing the grievance may appeal the decision of the Civil Rights Coordinator by writing within fifteen (15) calendar days of receiving the decision to the District's General Manager at 8215 South 1300 West, West Jordan, Utah, 84088; Phone: 801-565-4300.