

BYLAWS OF THE
EMERY COUNTY SPECIAL SERVICE DISTRICT #1
(Updated June 2013)

ARTICLE I

EMERY COUNTY SPECIAL SERVICE DISTRICT
ADMINISTRATIVE CONTROL BOARD

Section 1. COMPOSITION. The administrative Control Board, hereinafter referenced as the “Board”, of the Emery County Special District No. 1, hereinafter referenced as the “Special Service District”, shall consist of five members, appointed as provided by law and vested with such powers as are provided by the laws of the State of Utah or as are granted by the board of Emery County Commissioners in creating or amending the Special Service District. Three members of the Board shall constitute a quorum. The Board may act at any time that a quorum of three members or more of the Board are gathered together at a lawful meeting. The act of a majority of the Board members present at a lawful Board meeting at which a quorum is in attendance shall be the official action of the Board, unless a greater number is required by law or by these by-laws. The Board may take official action as herein provided even if there are one or two vacancies on the Board at the time the action is taken. Board members must be present at a lawful meeting to vote, and no Board member may vote by proxy, or by assignment or through an agent, or by absentee ballot or written instrument.

SECTION 2. ADDRESS. The mailing address of the Special Service District shall be P.O. Box 1055, Castle Dale, UT 84513. The business office shall be located at the Emery County Courthouse; 75 East Main Street, Castle Dale, UT 84513. The mailing address or business office address may be changed by a majority vote of a quorum of the Board.

SECTION 3. ACCOUNTING YEAR. This Board shall operate the Special Service District on a fiscal year beginning January 1st of each year and ending December 31st of each year. The fiscal year may be changed by a majority vote of a quorum of the Board.

ARTICLE II

POWERS AND DUTIES OF THE ADMINISTRATIVE CONTROL BOARD

SECTION 1. AGENCY. The Board shall act on behalf of the Special Service district in performing such duties, responsibilities and functions as are authorized by law or necessary to accomplish their lawful duties or as may be specifically authorized or delegated to the Board by the Board of Emery County Commissioners.

SECTION 2. AUTHORITY. The Board shall generally exercise all rights, powers and authorities granted to the Special Service District by the laws of the State of Utah and by the Emery County Commissioners, and in particular the Board shall exercise powers and authorities granted by Sections 11-23-13, 11-23-15, 11-23-18, 11-23-19, and 11-23-20 of the Utah Code Annotated, 1953 as amended.

SECTION 3. PROJECTS. The Board shall be solely responsible for determining the projects and business activities which will be conducted by the Special Service District, and all such projects will be under the exclusive control and management of the Board or it's appointed agents, officers, or employees.

ARTICLE III

OFFICERS OF THE BOARD

SECTION 1. CHAIRMAN - The Board shall elect from it's members a chairman who shall be the presiding officer of the Board. At least three votes of Board members shall be required to elect a chairman. The chairman shall exercise supervisory powers over all other Board members and over all officers, employees, agents and business affairs of the Special Service District. The chairman may serve an indeterminate term, but an election for the

chairman shall be conducted at least once each year. The chairman shall serve until his successor is elected, qualified, and appointed. The chairman shall preside at all meetings of the Board and shall have such other duties, powers, and responsibilities as are assigned to him by the Board. The chairman shall prepare an agenda of items that are to be considered by the Board at any official meeting. The chairman shall set the date, time and place of all Board meetings, subject to the approval of a majority vote of a quorum of the Board. The chairman must approve all expenditures of funds by the Board or of the employees, officers or agents of the Board or of the Special Service District in compliance with the purposes for which the Special District was established. The chairman shall sign and approve the minutes of all meetings held by the Special Service District. The chairman shall be responsible for the preparation of the budget to submit each year in accordance with state law. The chairman shall also be responsible for arranging the public hearing on the budget each year.

SECTION 2. VICE-CHAIRMAN. The Board shall elect from its members a vice-chairman who shall act as and perform the duties of the chairman in his/her absence. The vice-chairman shall be elected by a majority vote of a quorum of Board members at a lawful meeting. The vice-chairman may serve an indeterminate term, but an election of the Vice-Chairman shall be conducted at least once each year. The vice-chairman shall serve until a successor is elected, qualified, and appointed.

SECTION 3. SECRETARY. The secretary shall be appointed by the majority of the board members. The secretary shall attend all meetings of the Board, or appoint another Board member to act as secretary at the meetings in his/her absence, and shall keep, or cause to be kept in a book provided for the purpose, a true and complete record of the written minutes and documents of the proceedings of all Special Service District meetings. The secretary shall be the custodian of the records and of the seal of the Special Service District and shall affix the seal of the Special Service district to official documents on which the seal is required. The secretary shall attend to the giving of all legal notices and shall perform such other duties as the by-laws may provide or the Board may prescribe. The secretary shall cause to be posted all lawful notices

for public meetings or for construction bids, or for any other reason that public notice is required by law. The secretary shall be appointed by the majority of the Board members.

SECTION 4. TREASURER AND/OR AUDITOR. The treasurer/auditor shall be appointed by the majority of the board members. The treasurer/auditor is responsible for keeping, or causing to be kept, correct and complete records of all financial accounts, showing accurately at all times the financial condition of the Special Service District. The treasurer shall be the legal custodian of all moneys, notes, securities, and other valuables that may from time to time come into the possession of the Special Service District. The treasurer shall within three (3) working days deposit all funds of the Special Service District in some reliable bank, or other depository, to be designated by the Board, and shall keep, maintain and supervise this bank account in the name of the Special Service District. The treasurer/auditor shall furnish at the meetings of the Board, or whenever requested, a statement of the financial condition of the Special Service District, and shall perform such other duties as the by-laws may provide or the Board may prescribe. The treasurer/auditor shall also be responsible for the preparation of all State or Federal reports that may be required by law or by administrative order. The treasurer shall be responsible to insure that standard accounting practices are followed in all financial records kept by the Special Service District and that all audits required by law are properly conducted and reported. The treasurer shall manage, as directed by the majority of the board, all surplus funds and make recommendations to the Board on how such surplus funds may be held or invested.

ARTICLE IV

MEETING AND BUSINESS ACTIVITIES

Section 1. QUORUM. At least three (3) members of the Board must be present at a lawful meeting to constitute a quorum for the transaction of business by the Emery County Special Service District #1. The act of the majority of the board members present at a meeting, at which

a quorum is in attendance, shall be the official action of the board, unless the act of a greater number is required by law or by these bylaws. The board may authorize or direct any of its members to take the discretionary action necessary to accomplish the management or operational tasks of the district. A board member who is not physically present may nevertheless participate in the meeting through electronic means and counted toward the required quorum in accordance with Utah Code Ann. 52-4-207. Any board members participating in electronic means may make, second and vote on all motions and participate in the discussion as though present, except that the board member who chairs the meeting must be present at the anchor location.

Section 2. COMPLIANCE WITH STATE LAW. Application of the Open and Public Meetings Act. The district recognizes the application of the Open and Public Meetings Act, Utah Code ANN 52-4-101 *et. seq.* as it may be modified, amended, superseded or replaced from time to time (the "ACT"). Any inconsistency or conflict between these bylaws and applicable provisions of the Act shall be governed by the Act.

Section 3. MEETING NOTICE AND AGENDA. The district will, either shortly prior to or at the beginning of each calendar year, establish an annual meeting schedule, including the date, time and location of each regular Board meeting through the year, and give public notice of the annual meeting schedule as required by law. Meetings can be rescheduled by an affirmative vote of a majority of the board, with proper notice of the rescheduled meeting. Normally, meetings will be held at least once each month on the second Monday of the month.

Section 4. SPECIAL AND EMERGENCY MEETINGS. The board may hold special and emergency meetings, provided that they are properly called and notice of every such meeting is done according to law. No emergency meeting of the board may be held unless an attempt has been made to notify all the members of the board and a majority of the board approves holding the meeting. A special meeting of the board may be called by the Chairman or upon the concurrence of two (2) members of the board. Any board member may request that a special meeting of the board be held, but the approval of the Chairman will be required. In the absence

of the Chairman, the Vice Chairman may call or approve either a special meeting or an emergency meeting of the board.

Section 5. MEETING AGENDA. The Chairman shall establish the agenda for all board meetings or other meeting of the district. Any board member wishing to place an item on a meeting agenda must notify either the Chairman or the secretary at least seven (7) days before the scheduled meeting day. Each topic to be considered by the Board shall be listed with reasonable specificity as an agenda item. Any board meeting agenda may include a “public comment”. Any topic raised by a member of the public may be discussed, even if it is not listed as an agenda item, but may not formally be acted upon by the Board unless the topic qualifies as matter of an emergency or urgent nature.

Not less than 24 hours advance public notice for each regular and special meeting of the Board, by posting a written notice at the principal office of the district, providing notice to at least one newspaper of general circulation in the District, and the notice will be posted on the Utah Public Notice Website created under Utah Code Ann. 63F-1-701. If, due to unforeseen circumstances, it is necessary for the Board to hold an emergency meeting to consider matters of an emergency or urgent nature, the foregoing notice requirements may be disregarded and the best notice practicable may be given.

Amendments to the agenda can be made by any board member, with Chairman approval, if the amended notice is posted at least 24 hours before the scheduled time of the meeting.

Section 6. CLOSED MEETINGS. All meetings of the board are open to the public. No ordinance, resolution, rule, regulations, contract or appointment may be approved during a closed meeting. A meeting, or a portion of a meeting, may be closed to the public upon the affirmative vote of two-thirds of the board members present at the meeting, provided that a quorum is then present. Meetings may be closed for any of the reasons specified in Utah Code Ann. 52-4-205 as follows:

1. A discussion of the character, professional competence, or physical or mental health of an individual.
2. Strategy sessions to discuss collective bargaining.
3. Strategy sessions to discuss pending or reasonably imminent litigation.
4. Strategy sessions to discuss the purchase, exchange, lease or sale of real property if public discussion of the transaction would disclose the appraisal or estimated value of the subject property or prevent the board from completing the transaction on the best possible terms provided, however, that before the sale of real property may be discussed during a closed meeting, public notice that the property will be offered for sale must be given, and the terms of the sale must be publicly disclosed before the board approves the sale.
5. A discussion regarding the deployment of security personnel, devices, or systems.
6. Investigative proceedings regarding allegations of criminal misconduct.

Section 7. RECORDING OF MEETING. The district is required to record all open board meetings and most closed meetings. The district's recording of a meeting is to be maintained for such period of time as specified by State Archives for municipalities (or for local and special service districts). The recording of the meeting is to be uploaded to the Public Notice Website within 3 days after the meeting date.

Section 8. ELECTRONIC MEETINGS. Refer to Electronic Meeting Resolution 04-09-2007B.

Section 9. MINUTES AND RECORDINGS. Written minutes and a digital or tape recording shall be kept of all open meetings of the board. The written minutes shall be prepared by the person designated by the Board. The written minutes are to include the date, time, and place of

the meeting, the names of board members present and absent, the substance of all matters proposed, discussed, or decided, which may include a summary of comments made by the board members, a record of the individual votes taken, the name of each person who provided testimony or comments to the board and the substance in brief of the testimony , and any other information that is a record of the proceedings of the meeting that any board members requests be entered in the minutes or recording. The recording is to be a complete and unedited record of the meeting from its commencement through adjournment. The official, approved board meeting minutes and recording of the meeting are public records which will be available for inspection by the public upon request and during normal business hours. The draft board minutes are to be available to the public within a reasonable time after meeting and clearly marked as draft, awaiting final approval , unapproved of some other appropriate notice. Even though open meetings are to be recorded, the written minutes, once approved by the board, shall be the official record of action taken at the meeting.

CLOSED MEETING MINUTES. The minutes must reflect the reason or reasons for holding a closed meeting, the location where the closed meeting will be held, and the vote of the board members, cast by each member by name, either for or against the proposition to close the meeting, is to be publicly announced and entered into the minutes of the open portion of the meeting.

SWORN STATEMENT. A sworn statement affirming that the sole purpose for closing the meeting was to discuss (1) the character, professional competence or physical or mental health of one or more individuals; or (b) the deployment of security personnel, devices or systems will need to be signed by the Chairman.

RECORDING CLOSED MEETING. The closed portion of the meeting must be recorded and the recording must be safeguarded. While a recording of the closed meeting may be required, written minutes of the closed meeting are not mandatory. The recording of the closed meeting should be maintained in or converted to a format that meets long-term records storage

requirements. Closed meeting recordings are protected records.

Section 10. APPROVAL OF MINUTES. Minutes are not official until they have formally been approved by the board.

Section 11. SITE VISITS. A recording is not required to be kept of an open meeting that is a site visit or a traveling tour provided that no vote or action is taken by the board.

SECTION 12. BUDGET. The annual budget of the district shall be submitted by the chairman for review and preliminary approval of the board at the first October meeting of the board. After preliminary approval by the board, the chairman shall be responsible for submittal of the budget to the public, by holding public hearings, and by fully meeting the requirements of the law. At the completion of the public hearing process, the board may approve or disapprove the budget as proposed or as amended. The annual budget must be approved by a vote of at least three (3) board members. The budget may be amended at any time by a vote of at least three (3) board members after proper notification. A copy of the budget, as approved or amended, shall be submitted to the Utah State Auditor and to the Emery County Commissioners within 30 days of the adoption or amendment.

SECTION 13. EXPENDITURES. All checks, drafts, notes, and orders for the payment of money of the district, all deeds and other written contracts and agreements to which the special service district shall be a party to, shall, unless otherwise directed by the board or unless otherwise required by law, be signed by two (2) authorize signatories. The board may, however, authorize any one board member, agent, or officer to sign any of such instruments, for and in behalf of the district, without the necessity of a counter signatures; or the board may designate agents of the district who may sign such instruments, for the district.

SECTION 14. BOARD MEMBER PAY. The board members will abide by the Emery County Special Service District #1 board meeting Attendance and Stipend Policy - effective 5/1/2012.

SECTION 15. ASSETS. The board or it's designated agent may purchase or obtain any assets, supplies, or equipment necessary to conduct the business of the district.

SECTION 16. REIMBURSEMENT OF EXPENSES. Any member of the board or employee or agent of the district or board shall be reimbursed for expenses, including travel, meals, lodging, time, or other expenses incurred in conducting the business or, in representing the district at the same rate paid by the Board of Emery County Commissioners to Emery County employees.

Receipts shall be required to obtain reimbursement whenever possible.

ARTICLE V

ANNUAL TRAINING

Section 1. The board Chairman is responsible, under Utah Code Ann. 52-4-104, to ensure that board members are provided with annual training on the requirements of the Open and Public Meetings Act. The training may be "in-house" or may be satisfied through attending the annual convention of the Utah Association of Special Districts or other training provided by the association or by the office of the Utah State Auditor, or by attending any other training approved by the Chairman.

ARTICLE VI

PROJECTS OF THE SPECIAL SERVICE DISTRICT

SECTION 1. PROJECTS. The Administrative Control board is empowered and authorized to determine what projects will be undertaken by the district. A majority vote of a quorum of the board members is required to adopt, authorize or amend a project. Referrals for project topics may be received from the general public or from any member of the board.


ARTICLE VI I

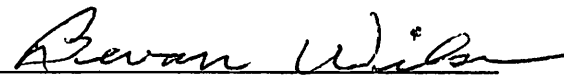
AMENDMENTS

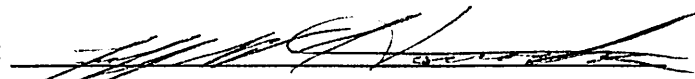
The power to alter, amend, or repeal the bylaws, or to adopt new bylaws, is vested in the board. Amendments shall be submitted to the board in written form, by any member of the board. A majority vote of a quorum of the board at a lawful meeting is required for approval or any amendment to the bylaws or any enactment of new bylaws. If no effective date is provided in the amendment, the amendment shall be effective on the date of enactment.

These bylaws are adopted and shall become effective upon endorsement by the chairman this day of

Emery County Special Service District #1

By: 
Kent R. Petersen, Chairman

ATTEST: 
Bevan Wilson, Vice-Chairman

APPROVAL: 
Chairman, Emery County Board of Commissioners