JORDAN VALLEY WATER CONSERVANCY DISTRICT

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL

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CHAPTER 1
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 STATEMENT

The District was organized as a regional water supply agency to develop a water supply for its service area. Its mission is to provide the highest quality of water available to its customers, on a fairly priced and effective basis, and in a safe, environmentally-sensitive manner.

The District develops and maintains positive and effective relationships with its retail and wholesale customers, and with government 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.

The District leads in the development of public water policy, the dissemination of water-related information, the effective application of technology, and promotion of prudent water use.

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 a Board of Trustees, which shall be the governing body of the District, and a General Manager appointed by the Board.

B. The Board, presently composed of eight (8) 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 his[1] compensation level annually.

[1] The male pronouns “he,” “him,” “his,” and “himself,” when used in the Bylaws and the District’s Policy Manual, include the corresponding female pronouns.

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 Board members 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

A. Before entering upon his official duties, each trustee shall be a resident of the division he represents.

B. Oath of Office. Before entering upon the duties of office, each Board member 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 Board member to take the oath does not invalidate any official act of that member.

2.2 NUMBER AND APPOINTMENT

A. Authorized Number. 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 and the representation and vote of each trustee shall be established by the court in the decree creating the District, as such decree may be subsequently amended. The actual number of trustees presently established by the court is eight.

C. Appointments. Each trustee shall be appointed from a division of the District as such divisions shall from time to time be established by the court. Trustees shall be appointed by the Governor of the State of Utah, with the advice and consent of the Utah State Senate, from nominees submitted as follows:

1. In a division comprised solely of incorporated cities, each city within the division shall submit two nominees per trustee.

2. In all other divisions, the legislative body of the county in which the division is located and which is entitled to representation shall submit three nominees per trustee. If a trustee represents a division situated in more than one county, the legislative bodies of those counties in which the division is located shall collectively compile the list of three nominees.

2.3 TERM OF OFFICE

A. The term of each member of the Board shall begin at noon on the first Monday of January following the member's election or appointment.

B. The term of each member of the Board shall be four years, except that the term of approximately half the Board members shall expire every two years.

C. Each Board member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.

D. A Board member is not limited in the number of terms the member may serve.

2.4 VACANCIES IN BOARD OF TRUSTEES

A. Events Creating Vacancies. A vacancy in a trustee's term of office shall be deemed to exist in the case of death, resignation, disqualification of the trustee, or if a trustee has been declared of unsound mind by order of a court, or if a trustee has been convicted of a felony.

B. Notice. Whenever a vacancy occurs on the Board, a replacement to serve out the unexpired term shall be appointed by the nominating entity having appointing authority for the division in which the vacancy occurs. Upon vacancy in the office of trustee, and at least 90 days before expiration of a trustee's term, the secretary of the Board shall (i) give written notice to the nominating entities and to the Governor, and (ii) pursuant to the requirements of the Utah Water Conservancy Act, publish the notice in a newspaper having general circulation.

2.5 FIDELITY BONDS FOR APPOINTED TRUSTEES

Each member of the Board shall give a corporate surety bond, at the expense of the District, in the amount and with sureties prescribed by the Board, conditioned upon the faithful performance of his respective duties.

2.6 PRINCIPAL OFFICERS

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

2.7 QUALIFICATIONS; ELECTION AND TERM OF OFFICE

A. Election. At the Annual Meeting, the Board shall choose one of its members as Chair of the Board, and shall choose another of its members as Vice Chair of the Board. The Board shall also elect a Secretary of the Board and of the District, who may or may not be a member of the Board. The Secretary shall also serve as Treasurer of the District, unless a Treasurer is otherwise provided for by the Board. The Board shall also elect a Finance Committee Chair and a Conservation Committee Chair.

B. Term. The officers shall serve until the next Annual Meeting.

2.8 NOMINATION OF OFFICERS

Nominations from the floor shall be made at the Annual Meeting.

2.9 RESIGNATION

Any officer may resign at any time by giving verbal or written notice to the Board or to the Secretary of the District. 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.

2.10 REMOVAL

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

2.11 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 Secretary or

Treasurer, the Chair may appoint a new Secretary or Treasurer to serve until such time as the Board shall elect a successor and the person or persons so elected have qualified.

2.12 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:

1. All bonds and instruments creating debt against the District.

2. Board resolutions.

3. Water sales agreements authorized by Utah Code Ann. (1953) § 17A-2-1432.

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, unless delegated in writing to the General Manager by the Chair or allowed the General Manager by other sections in this manual.

6. The countersigning of disbursement checks.

7. Agreements specifically authorized and directed by the Board.

8. Real estate leases, 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 the Water Conservancy Act or other applicable 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 the Chair acts as spokesperson for the District, he should speak for the majority of the Board. When the Chair is speaking for himself or in his capacity as an individual member of the Board, he should clearly identify that limited capacity.

E. Represent the will of the Board.

2.13 VICE CHAIR

A. The Vice Chair shall act only in cases of the inability or refusal to act or in the absence of the Chair and shall assume 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.

2.14 SUCCESSION OF AUTHORITY

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

2.15 DUTIES OF THE SECRETARY

A. The Secretary 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 the Utah Water Conservancy Act, by the District's Bylaws, or by this manual.

B. The Secretary shall attest, under the seal of the District, all certified copies of the official records and files of the District.

C. The Secretary shall serve as Treasurer of the District unless a Treasurer is otherwise provided for by the Board.

D. The Board may appoint an Assistant Secretary to function in the absence of the Secretary with all the power and authority of the Secretary.

2.16 APPOINTMENT OF DISTRICT TREASURER

The governing body of the District shall elect a District Treasurer.

2.17 DUTIES OF DISTRICT TREASURER

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.

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 Treasury 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.

F. The Treasurer shall sign all 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.

J. The Board may appoint an Assistant Treasurer to function in the absence of the Treasurer with all the power and authority of the Treasurer.

2.18 BONDS

The Secretary and Treasurer shall furnish corporate surety bonds, at the expense of the District, in amount and form fixed and approved by the court, conditioned upon the faithful performance of their respective duties.

2.19 OTHER OFFICERS

The Board may appoint or otherwise authorize the appointment of Assistant Secretaries and/or Assistant Treasurers to assist the Secretary, Secretary/Treasurer or Treasurer, 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 Secretary, Secretary/Treasurer, or Treasurer, as the case may be, and may act within the scope of authority delegated by the Board.

2.20 POWER VESTED IN THE BOARD OF TRUSTEES

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 document, the State Constitution, the Water Conservancy Act, and other laws of the State.

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. Appointment of Committee Members. The Chair of the Board shall appoint the members of the various committees and shall designate the chair of each committee, subject to approval by the Board. Members of Committees shall be members of the Board.

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 his designated replacement shall conduct all meetings of the committee.

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. 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; (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; and (c) other duties assigned by the Board.

C. 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.

2.24 COMPENSATION

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. As determined by the Board, a member of the Board may receive per diem compensation, in addition to the compensation provided in subsection 2.24(A), for attendance at up to 12 meetings or activities per year related to any District business. The amount of per diem compensation shall be as established by the Utah Division of Finance for policy boards, advisory boards, councils, or committees within State government.

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.

2.25 TRAINING

A. Pursuant to Utah Code Ann. (1953) § 17A-2-102, each member of the Board appointed on or after May 3, 1999, should, within one year after taking office, complete the training described in Utah Code Ann. (1953) § 17A-2-102(b).

B. The District shall compensate each member of the Board up to $100 per day for each day of training described in Section 2.25.A that the member completes. The 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.

C. The District shall not pay compensation under Section 2.25.B to any member of the Board more than once in any consecutive two-year period.

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 enable him to carry out duties and responsibilities assigned to him by this document or by direction of the General Manager. The designation of a duty or responsibility shall constitute such authority as is necessary to effect 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 corporate 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:

Trustee $100,000*

Secretary/Treasurer $1,500,000**

General Manager $1,000,000**

Assistant General Manager..... $1,000,000**

Controller..... $1,000,000**

Assistant Treasurer $1,500,000*

* or as fixed by court order.
** or as fixed by rule of the State Money Management Council.

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 his 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 his 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 befit him to provide professional direction to the District.

3.6 POWERS AND DUTIES

The General Manager shall:

A. Attend all meetings of the Board and take part in its discussions and deliberations.

B. Carry out the policies and programs established by the Board.

C. 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.

D. Recommend to the Board for adoption such measures as he deems necessary or expedient.

E. Appoint, with the advice and consent of the Board, a qualified person to each of the offices of Chief Engineer, Controller, and Attorney; 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.

F. Appoint, with approval by majority vote of the full membership of the Board, assistant General Managers.

G. 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 the Personnel Rules and Regulations and this document.

H. Make such appointments, suspensions, removals, or terminations as authorized by law or by the rules, policies, and procedures made by the Board.

I. Authorize a department head or employee responsible to him to appoint and remove employees serving under that department head.

J. Designate himself or some other 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.

K. Assign any employee of the District to any department or branch requiring services appropriate to the personnel system classification of the employees so assigned.

L. Implement and administer a plan, as approved by the Board, for the compensation of District employees.

M. Develop, implement, and administer Personnel Rules and Regulations as approved by the Board.

N. Coordinate all District departments.

O. Notify the Board of any emergency existing in any department.

P. 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.

Q. 1. Examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the District, and make investigations and require reports from personnel.

2. 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.

R. Approve expenditures made for official District business, provided such expenditures are within the appropriations contained within the appropriate budget as adopted by the District.

S. Prepare a financial estimate of the annual budget and advise the Board of the financial condition and needs of the District.

T. Schedule and cause notice to be published of public hearings before the Board as required by law, including, but not limited to:

1. Tax rate hearings.

2. Adoption of or amendment to District budgets.

U. Examine all proposed contracts to which the District may be a party.

V. 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 specified in Section 2.12.B.

W. Execute contracts for easements, rights-of-way, and/or well protection zones, provided any expenditures pursuant to such contracts do not exceed $25,000 and that the District is a grantee of the interest(s) conveyed, and excepting those contracts specified in Section 2.12.B.

X. Execute contracts between the District and another governmental entity in which the parties have standardized the terms and conditions.

Y. Discharge any other duties specified by law or by the Board.

Z. Authorize any employee to exercise any power or duty granted the General Manager.

AA. 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, goals, or obligations.

3.7 WORKING TIME

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

3.8 REMOVAL OF GENERAL MANAGER

The General Manager serves at the pleasure of the Board. The Board may, at its pleasure, by majority vote, remove the General Manager. Except in the case of removal for proven malfeasance in office,

the General Manager, upon his removal, shall be paid the unpaid balance of his salary due to the date of removal together with his salary at the same rate for three months following the date of his removal.

3.9 POWERS AND DUTIES OF ASSISTANT GENERAL MANAGER(S)

A. An Assistant General Manager shall serve in the absence or incapacity of the General Manager, and shall assume those powers and duties granted the General Manager.

B. In the event more than one (1) Assistant General Manager is appointed, the Assistant General Manager with the greatest seniority in that position shall serve first.

3.10 APPOINTMENT OF ATTORNEY

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 Attorney.

3.11 DUTIES OF ATTORNEY

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 Chapter 22 of Title 58 of the Utah Code, to be the Chief Engineer.

3.13 DUTIES OF CHIEF ENGINEER

Act as the Chief Engineer, as set forth in the Water Conservancy Act, and 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.

3.15 DUTIES OF CONTROLLER

A. Act as the Controller of the District and perform such other duties as assigned by the General Manager.

B. The Controller shall act as the District Clerk as set forth in the Uniform Fiscal Procedures Act.

CHAPTER 4
BUDGET, AUDITS AND CHECKS

4.1 BUDGET OFFICER

The General Manager shall function as the budget officer, as designated in the Utah Uniform Fiscal Procedures Act for Special Districts. 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 revenue, 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 file with the Board, tentative revenue, operating and capital budgets, together with specific work programs and any 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 statute.

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 later 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 statute.

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.

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, 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 rates and the actual retail water rate. 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 have prepared and present to the Board monthly summary financial reports and quarterly detailed financial reports, showing the financial position and operations of the District for that quarter and the year-to-date status.

B. Within 120 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, as prescribed in the Uniform Accounting Manual for Special Districts. 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 with the State Auditor and Third Judicial District Court for Salt Lake County and shall be filed as a public document in the office of the District.

B. The District shall select its auditor by a competitive request for proposal process. Requests for proposals shall be issued as the District deems necessary.

4.5 CHECKS

A. District checks shall be issued by one of the following procedures:

1. The District may utilize a laser printer utility containing check and signature fonts for operation. The Controller or alternate designated by the General Manager shall have access to the printer containing the signature fonts. All printed checks shall have facsimiles of the Chair of the Board's and District 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 his designate, and then reviewed and initialed, if approved, by the Treasurer or the Assistant Treasurer.

2. All other checks shall be signed by both the Chair of the Board and the District's Treasurer. If the Chair of the Board is unavailable, the check may be signed by either the Vice Chair of the Board or the Finance Committee Chair, together with the Treasurer or Assistant 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 designated alternate shall prepare a pre-check register. The register shall be approved by the Controller and Treasurer or Assistant Treasurer before checks are printed.

CHAPTER 5
PROCUREMENT POLICY

PART 1: GENERAL PROVISIONS

5.1.1 SCOPE

This chapter shall, except where otherwise noted, govern the purchase of real or personal property, supplies or services, and the disposal of property, whether real or personal, by the District. No purchases shall be made and no encumbrances shall be incurred for the benefit of the District except as provided in this chapter.

5.1.2 BUDGET EXPENDITURES - BOARD OF TRUSTEES APPROVAL

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

5.1.3 RESPONSIBILITY FOR BUDGETARY COMPLIANCE

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

5.1.4 STATE CODE PROVISIONS

The District is a Local Public Procurement Unit as defined in the Utah Procurement Code (Chapter 56 of Title 63, Utah Code Ann.) and, as such, purchases by the District shall be made in accordance with applicable sections of the Procurement Code and this policy.

5.1.5 CHIEF PROCUREMENT OFFICER

The General Manager is designated the Chief Procurement Officer.

5.1.6 PROHIBITED ACTS

It is a violation of District policy:

A. For any bidder or prospective bidder, including its employee(s) or officer(s), in connection with a purchase by the District, to engage in any act or inaction which is a restraint of trade, anti-competitive or price-fixing.

B. For any person to offer or to give to any employee of the District or any member of his immediate family, any gift whose value is greater than $50, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which the gift could reasonably be intended to influence him or could reasonably be expected to influence him in his duties concerning the award of any contract or order of purchase, or for any District employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose. [See “Disclosure of Gift” Form in Appendix of Forms.]

C. For any District employee, officer or trustee to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure.

D. For any District employee, officer or trustee to actively participate in the awarding of a contract from which he will directly benefit, without first fully disclosing any interest he has therein.

E. For any District employee, officer or other person to appropriate for personal or private use any item of public property.

Any District employee or officer committing any of the foregoing acts is subject to discipline.

5.1.7 VOIDABLE CONTRACTS

The following contracts are voidable at the discretion of the Board:

A. Contracts which result from a conflict of interest under this policy or other applicable law.

B. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any District employee or officer.

C. Contracts awarded by an official or employee circumventing the requirements of this chapter or other applicable statute.

D. A contract which was bid or awarded under circumstances prohibited under Section 5.1.6.

The Board hereby declares its intent that such contracts would not have been entered into on behalf of the District if the misconduct had been discovered prior to the execution of the contract. The Board further states that no District officer or employee has authority, either actual, apparent or implied, to negotiate or execute any such contract, and that such contract shall, at the discretion of the Board, be voidable, unless the action of the District officers or employees in executing the contract is ratified by affirmative action of the Board after the misconduct was discovered and made known to the Board.

All persons or firms responsible for any misconduct prohibited by this chapter shall be liable for any losses incurred by the District as a result of the misconduct.

5.1.8 CAPITALIZATION VERSUS EXPENSE

The purchase of fixed assets for $5,000 or more will be capitalized and included on the District's balance sheet. These purchases will include, but are not limited to:

LAND: Including acquisition costs.

BUILDINGS: Permanent structures to house persons and property.

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

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

The purchase of fixed assets for less than $5,000 shall be expended from the District's Operation and Maintenance budget.

Other expenditures, for $5,000 or more, which provided a significant increase in future service potential of a fixed asset shall also be capitalized as part of the existing asset. To meet the criteria for a capital expenditure, the purchase should extend the useful life of an asset, increase the quantity of service provided by an asset, or increase the quality of service provided by an asset.

Capital expenditures may include the following:

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

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

PART 2: PURCHASE OF GOODS AND SERVICES

5.2.1 SCOPE

This part shall apply to the purchase of goods and services, except as otherwise specified in Parts 3 and 4.

5.2.2 COMPETITIVE PROCESS

Whenever the total price of a contract or purchase exceeds $25,000, the contract shall be awarded through a competitive bidding or proposal process.

5.2.3 BUDGET LINE ITEM

Funds designated for the purchase of goods or services under a particular budget line item may not be used for the purchase of goods or services under a different budget line item without the prior approval of the General Manager.

5.2.4 DESIGNATED DEPARTMENT FUNDS

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.

5.2.5 REPORTS

All purchases shall be reported to the Board within thirty (30) days following the end of each month of the date of purchase.

5.2.6 PETTY CASH ACCOUNT

Petty cash in an amount determined by the General Manager may be established. Petty cash funds may be used to purchase supplies, materials, and equipment when the cost does not exceed $50 and when documentation of the purchase is maintained. Supplies, materials, and equipment regularly purchased and available to the District through regular purchasing channels shall not be purchased using petty cash funds.

5.2.7 PURCHASES WITHOUT COMPETITION

The General Manager may purchase supplies, goods or services, and the District may enter into construction contracts without the receipt or review of competitive bids or proposals, if any of the following occur:

A. In the case of an emergency which poses a threat to the public health, welfare, or safety, and as declared in writing by the General Manager, in accordance with Section 63-56-24 of the Utah Procurement Code.

B. When there is a sole source of supply as declared in writing by the Chief Procurement Officer, in accordance with Section 63-56-410 of the Utah Procurement Code.

C. When the purchase or work is a continuation of previous purchases or work, and there exists a clear, potential economic benefit to the District to negotiate a contract directly with the firm that supplied the initial purchase or work. The basis for the selection shall be approved and confirmed in writing by the Chief Procurement Officer.

D. When the District does not receive a response to its announcements, requests or invitations for bids or proposals.

E. In the case of a small purchase or contract, as defined in Sections 5.2.8 and 5.4.11.

F. When the Chief Procurement Officer determines that it is not in the best interest of the District to change legal services (5.4.4.B) or financial services (5.4.4.C).

G. When the award to a specific supplier, service provider or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item.

5.2.8 SMALL PURCHASES

All purchases of goods or services of $25,000 or less are small purchases.

A. A request for a purchase of goods or services totaling up to $3,000 shall be submitted for approval to the Department Manager or other employees designated by the General Manager.

B. A request for a purchase of more than $3,000, but not exceeding $25,000, shall be submitted for approval to the General Manager or to an Assistant General Manager. Upon approval, a purchase order will be issued for the purchase, a copy of which shall be submitted to the Controller. All approvals by an Assistant General Manager shall be reported monthly to the General Manager.

C. A purchase of goods or services for up to $3,000 shall be made in the manner deemed most appropriate by the Chief Procurement Officer or his designee.

D. A purchase of goods or services for more than $3,000, but not exceeding $25,000, may be awarded after the solicitation of price quotations from enough prospective vendors or suppliers to reasonably ensure that the District received a competitive price. Such solicitations may be in writing or oral.

E. A purchase of professional services of less than $25,000 may be made without solicitation of price quotations from multiple vendors in accordance with Section 5.4.11.

5.2.9 PURCHASE OF IRRIGATION STOCK

The General Manager is authorized to purchase shares of stock in irrigation companies, provided the consideration given in exchange by the District does not exceed $100,000.00 for a single transaction. All purchases made by the General Manager shall be reported to the Board at its next regularly scheduled meeting.

PART 3: CONSTRUCTION AND CAPITAL IMPROVEMENTS CONTRACTS

5.3.1 PROCEDURE

Whenever the total price of a construction or capital improvement contract is for $25,000 or less, the contract shall be handled as provided for small purchases under Section 5.2.8. If the contract exceeds $25,000, the contract shall be awarded through a competitive bidding or proposal process.

5.3.2 CONTRACT FORMATION

A. Subject to the limitations of this section, any type of contract which will promote the best interests of the District may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the District than any other type or that it is impracticable to obtain the supplies, services, or construction required except under such a contract.

B. Except with respect to firm fixed-price contracts, no contract type shall be used unless it has been determined in writing by the Chief Procurement Officer or his designee that:

1. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated.

2. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

5.3.3 BID SECURITY

A. Bid security in amount equal to at least 5% of the amount of the bid shall be required for all competitive sealed bidding for construction contracts. Bid security shall be a bond provided by a surety company authorized to do business in the State of Utah, the equivalent in cash, or any other form satisfactory to the District.

B. When a bidder fails to comply with the requirement for bid security set forth in the invitation for bids, the bid shall be rejected unless, pursuant to rules, it is determined that the failure to comply with the security requirements is nonsubstantial.

C. After the bids are opened, they shall be irrevocable for the period specified in the invitation for bids, except as provided in Section 63-56-20(6) of the Utah Procurement Code. If a bidder is permitted to withdraw a bid before award, no action shall be taken against the bidder or the bid security.

5.3.4 BONDS

A. When a construction contract is awarded under this chapter, the contractor to whom the contract is awarded shall deliver the following bonds or security to the District, which shall become binding on the parties upon the execution of the contract, except for small purchases

or when deemed unnecessary for the protection of the District by the Chief Procurement Officer, in writing:

1. A performance bond satisfactory to the District that is in an amount equal to 100% of the price specified in the contract and is executed by a surety company authorized to do business in the State of Utah, or any other form satisfactory to the District.

2. A payment bond satisfactory to the District that is in an amount equal to 100% of the price specified in the contract and is executed by a surety company authorized to do business in the State of Utah, or any other form satisfactory to the District, which is for the protection of each person supplying labor, service, equipment, or material for the performance of the work provided for in the contract.

B. A performance bond and/or a payment bond may not be required under Section 5.3.4(A) if (i) the construction contract does not exceed $25,000 when awarded, and (ii) the Chief Procurement Officer determines, in writing, that the bonds are not necessary for the protection of the District.

5.3.5 OTHER CAPITAL FUND EXPENDITURES

A. Capital projects or expenditures which are up to $25,000 may be authorized by the General Manager. The District shall negotiate a contract in a format approved by the Staff Attorney. The contract shall be approved and signed by the General Manager as the District's representative.

B. All other capital projects and expenditures shall be submitted to the Board for authorization of funding.

C. Construction Change Orders of $25,000 or less may be approved by the General Manager. Construction Change Orders not exceeding $10,000 may be approved by an Assistant General Manager. Construction Change Orders not exceeding $3,000 may be approved by a Department Manager. In any event, each approval shall be reported to the Board at its next regular Board meeting.

D. Change Orders exceeding $25,000 shall be submitted to the Board for approval.

E. Upon completion of each project, a final summary of costs shall be submitted to the Board for review.

5.3.6 RESERVE FUND EXPENDITURES

By Contract, the District maintains reserve funds to cover the extraordinary operation, maintenance, repair and replacement costs incurred for the Jordan Valley Water Treatment Plant, the Jordan Aqueduct and the Terminal Reservoir. Expenditures from these reserve funds and other reserve funds designated by the Board which are up to $25,000, may be authorized by the General Manager. The expenditures shall be reported at the next regular meeting of the Board. Expenditures that exceed $25,000 shall be submitted to the Board for approval.

5.3.7 OTHER EXPENDITURES OR FUNDS

All expenditures not in the District’s Budget or which are not extraordinary expenditures from the reserve funds described in Section 5.3.6 shall be submitted to the Board for approval.

PART 4: PROCUREMENT OF PROFESSIONAL SERVICES POLICY

5.4.1 TITLE

This Part shall be known as the District's Procurement of Professional Services Policy.

5.4.2 OBJECTIVE

It is the policy of the District to: (1) publicly announce all requests for professional services; (2) negotiate contracts for professional services on the basis of demonstrated competence and qualifications for the type of services required; and (3) negotiate contracts for professional services at fair and reasonable prices.

5.4.3 DEFINITIONS

"Professional Services" includes: (1) architectural and engineering services; (2) legal services; (3) financial advice and/or bond underwriting services ("Financial Services"); (4) auditing services; and (5) consulting services as needed and identified from time to time by the Board.

5.4.4 PUBLIC ANNOUNCEMENT

A. Architectural and Engineering Services. Each year a public announcement shall be made requesting professional service firms to submit to the District a Statement of Qualifications ("SOQ") and/or SOQ update. The announcement will be published in a newspaper of general circulation within the State and will appear once a week for three successive weeks. In addition, a copy of the announcement will be mailed to professional firms who have, in writing, expressed an interest in providing professional services to the District. The announcement will state the types of professional work anticipated by the District and contain a statement that selection of consultants and professional services will be made in accordance with District policy.

In addition to the foregoing, the General Manager may make a public announcement each time a project requiring professional services is about to commence.

B. Legal Services. The District retains legal services only when it is considering a project or litigation which requires assistance in addition to the services provided by the Staff Attorney. Prior to retaining a law firm, the Chief Procurement Officer and Staff Attorney shall evaluate whether the District should consider a law firm different than that used on previous projects. Factors to be considered are: (1) lapse of time between projects; (2) adequacy of performance by the District's law firm on the previous project; (3) similarity of the proposed project with the past transactions; and (4) comparisons between the District's then current law firm's quotes for legal services with market quotations as determined by an informal telephone survey. In the event the Chief Procurement Officer and Staff Attorney determine it is in the best interest of the District to consider a change in legal services, a public announcement shall be made requesting firms to submit an SOQ to the District. The announcement will be published in a newspaper of general circulation within the State and will appear once a week for three successive weeks. In addition, a copy of the announcement will be mailed to professional firms who have, in writing, expressed an interest in providing professional services to the District. The announcement will state that the selection of legal services will be made in accordance with District policy.

C. Financial Services. The District will retain a financial advisor on a continuing basis to provide on-going advice pertaining to proposed and existing bond issues, investment of District funds and related matters. The District's financial advisor shall be prepared to provide certain services that shall include, but will not necessarily be limited to, the preparation and

presentation of information to rating agencies and bond insurance companies, bond issue structuring, official statement preparation, recommendations pertaining to the selection of underwriter(s), coordination of the particulars of issuing bonds, interface with bond counsel, investment of reserves and funds and related matters. The District desires to maintain continuity in the provision of financial services so long as the quality and cost of such services are maintained at a level acceptable to the District.

No less frequently than every other year, the Chief Procurement Officer shall evaluate the performance of the District's financial advisor to determine if the District should make a change. Factors to be considered in the evaluation are: (1) services provided since the last evaluation; (2) adequacy of performance; (3) similarity of expected services during the next two-year period as compared to those provided in the past; (4) the perceived cost-effectiveness of the District's financial advisor and any other pertinent factors. In the event the Chief Procurement Officer determines it is in the best interest of the District to consider a change in financial advisor, a public announcement shall be made requesting firms to submit a Statement of Qualification to the District. The announcement will be published in a newspaper of general circulation within the State and will appear once a week for three consecutive weeks. In addition, a copy of the announcement will be mailed to professional firms that have, in writing, expressed an interest in providing financial advisor services to the District. The announcement will state that the selection of financial advisor will be made in accordance with District policy.

D. Auditing Services. As it deems necessary under Section 4.4.B, the District shall issue a public announcement requesting an SOQ for performing the District's annual financial audit and/or such other audits as designated by the Board. The announcement will be published in a newspaper of general circulation within the State and will appear once a week for three successive weeks. In addition, a copy of the announcement will be mailed to professional firms who have, in writing, expressed an interest in providing their professional services to the District. The announcement will state that the selection of consultants and professional services will be made in accordance with District policy.

E. All Other Professional Services. Each time the District undertakes a project wherein the District anticipates the cost of other professional services will exceed $25,000, the Chief Procurement Officer shall determine whether competing professional service firms are available for use by the District. In the event the Procurement Officer determines they are available, the District shall issue a public announcement requesting an SOQ and/or a proposal to provide professional services to the District. The announcement will be published in a newspaper of general circulation within the State and will appear once a week for three successive weeks. In addition, a copy of the announcement will be mailed to professional service firms who have, in writing, expressed a desire to furnish the District the requested professional services. The announcement shall contain a short description of the project and a statement that selection of consultants and professional services will be made in accordance with District policy.

5.4.5 STATEMENT OF QUALIFICATIONS - CONTENT

The District will request the following information to be included in "Statements of Qualifications":

A. Name of the firm, location of all offices, and specifically the location of the principal place of business in Utah.

B. Age of the firm, and average number of employees over the past five years in the Utah office.

C. Education, training, qualifications and availability of key employees of the firm, specifically those in the Utah office, pertaining to the types of work anticipated by the District.

D. Experience, special technical capabilities and expertise of the firm, and available equipment necessary or useful in pertinent types of professional work.

E. References from at least five clients and previous projects, including two from the preceding year.

F. Any other relevant information as determined from time to time by the District.

5.4.6 PROPOSAL FOR PROFESSIONAL SERVICES

A proposal for professional services shall include the following:

A. The information contained in an SOQ.

B. A description of the project.

C. A work plan for accomplishing the project, including descriptions of the tasks to be performed.

D. A schedule for completing the tasks.

E. In a separate sealed envelope, a professional fee proposal estimating all costs to complete the project, including a description and estimate of direct and reimbursable costs to be paid by the District.

5.4.7 SELECTION COMMITTEES

A selection committee shall review and rank submitted proposals or SOQs, as further described hereafter. A description of each selection committee and its composition follows:

A. Architectural and Engineering Services. The selection committee for engineering and architectural services shall consist of at least three members selected by the Chief Engineer.

B. Legal Services. The Staff Attorney shall serve as the selection committee for legal services.

C. Auditing Services. The District Controller and at least two other members selected by the General Manager shall serve as the selection committee for auditing services.

D. All Other Services. The selection committee for all other services shall consist of at least three members selected by the General Manager.

5.4.8 SELECTION METHODS

A. Architectural and Engineering Services.

1. If the District estimates the individual project will incur professional fees exceeding $25,000, the selection committee shall select at least three (3) firms from the SOQs. With the approval of the Chief Procurement Officer, requests for professional services proposals shall be sent to the selected firms, or more if requested by the Chief Procurement Officer. After receipt of the proposals, the selection committee shall review them and may request interviews and/or samples of previous work. The selection committee shall rank the firms as acceptable or unacceptable utilizing the selection criteria defined in Section 5.4.9. Thereafter, the selection committee shall consider only those fee proposals submitted from firms ranked as acceptable. The selection committee usually shall recommend selection of the acceptable firm with the lowest, responsive fee proposal. However, the District reserves the right to reject

all proposals and/or negotiate with the firm with the lowest responsive fee proposal if the amount of the fee proposal exceeds the District's estimate of a fair and reasonable fee.

2. If the District estimates the individual project will incur professional fees less than $25,000, the selection shall be performed in accordance with the Small Contract Method described in Section 5.4.11.

B. Legal Services. The Staff Attorney will rank the professional firms based on their SOQs. The District may request an interview with the ranked firms. After a particular need for legal services occurs, the Staff Attorney, in consultation with the General Manager, shall select the law firm to perform the legal services. The recommendation will be made to the Chief Procurement Officer.

C. Auditing Services. The selection committee shall rank the firms based on their SOQs and interviews, if any, held by the District. The selection committee will present its recommendations to the Chief Procurement Officer. Notwithstanding the foregoing, the same auditor shall not perform the District's annual financial audit for more than six (6) consecutive years.

D. All Other Services. The selection committee may or may not interview the prospective consultants. The selection committee shall rank the firms based on the proposals received from the firms and interviews, if any, conducted by the District. The selection committee will present its recommendations to the Chief Procurement Officer.

5.4.9 SELECTION CRITERIA

A. Architectural and Engineering Services. A selection committee shall consider the following criteria for architectural and engineering services:

1. Appropriate level of training, experience, expertise and availability of key project personnel.

2. Quality of work plan.

3. Firm resources and expertise available for the proposed project.

4. Past performance on similar projects for other owners, and for the District in particular.

5. Previous work that reflects special expertise or background knowledge available for the proposed project.

6. Project schedule.

7. Local office, local firm presence, and availability of project personnel for meetings and communications with District personnel.

8. Other special requirements for individual projects.

B. All Other Professional Services. The following criteria shall be considered for selection of all services other than those identified above in subparagraph 5.4.9.A:

1. Appropriate level of training, experience, expertise and availability of key project personnel.

2. Ability to perform the work, with respect to personnel availability, adequacy, present workload, available equipment and facilities.

3. Firm resources and expertise available to the project.

4. Past performance in assisting the District.

5. Local office, local firm presence and availability of project personnel for meetings and communications with District personnel.

6. Estimated costs of the professional firm.

5.4.10 CONTRACT NEGOTIATIONS

A. The selection committee shall present the ranking and recommendations of the selection committee to the Chief Procurement Officer. The Chief Procurement Officer shall assure that the selection committee has complied with this Policy. After finding that the selection committee has complied with this Policy, the Chief Procurement Officer shall approve the top-ranked consultant firm recommended by the selection committee, or he may select a firm other than the top-ranked consultant and shall report his reasons for doing so to the Board.

B. The District shall commence negotiations for a contract with the consultant approved or selected by the Chief Procurement Officer.

C. The contract shall be negotiated for fair and reasonable prices. The contract shall be approved by the Staff Attorney and the Chief Procurement Officer.

D. If negotiations fail with the approved consultant, the District shall terminate negotiations and may begin negotiations with the next highest ranked consultant approved by the Chief Procurement Officer.

5.4.11 SMALL CONTRACT METHOD

A. Fees up to $3,000:

If the estimated professional fees do not exceed $3,000, the Chief Engineer or other District employee designated by the General Manager shall select the firm, determine the scope of work and authorize contract negotiations.

B. Fees up to $10,000:

If the estimated professional fees do not exceed $10,000, an Assistant General Manager or other District employee designated by the General Manager shall select the firm, determine the scope of work and authorize contract negotiations. Selections under this section shall be reported monthly to the General Manager.

C. Fees that are more than $10,000 but do not exceed $25,000:

This method may be utilized when estimated professional fees do not exceed $25,000 but are more than $10,000. The selection committee, or the Chief Engineer in the case of engineering or architectural projects, reviews submitted SOQs or the list of firms with which the District has previously contracted (at least three), and selects a top-ranked firm. The Chief Procurement Officer approves the selection and scope of work and authorizes

contract negotiations. The firm submits a proposal, including a fee proposal. The District negotiates a contract.

PART 5: DISPOSAL OF SURPLUS PROPERTY

5.5.1 REPORTING SURPLUS PROPERTY

Any surplus property shall be reported to the Board. Surplus property shall not be sold to employees unless authorized by the Board.

5.5.2 AUTHORIZATION - $25,000 OR LESS

The General Manager is authorized to dispose of District surplus equipment and machinery, when it appears the equipment or machinery will not be required for future use and the salvage value of each equipment or machinery item does not exceed $25,000. The surplus property shall be disposed of in exchange for adequate consideration. After disposing of the surplus equipment and machinery, a description of the surplus equipment and machinery, together with a statement that reflects the replacement value and consideration received for the surplus property, shall be presented to the Board for ratification.

5.5.3 AUTHORIZATION - OVER $25,000

Surplus equipment and machinery whose salvage value exceeds $25,000 shall be disposed of in a manner approved by the Board.

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 officer and employee, class, title of position, salary, any changes in class, title or status, and such other data as may be deemed desirable or useful.

F. Maintain an accurate organizational chart.

G. Develop, acquire, and administer such recruiting and examining programs as may be necessary to obtain competent applicants to meet the needs of the District.

H. Propose, develop, or otherwise acquire and coordinate training and educational programs for District employees.

I. Search for and inquire about ways and means of improving personnel procedures.

J. Develop a workable performance evaluation system.

K. Prepare a manning document or table of organization as part of the budget to be approved by the Board.

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 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.

CHAPTER 7
MEETINGS

7.1 MEETINGS OF THE BOARD OF TRUSTEES

A. Regular Meeting. A regularly scheduled meeting of the Board for which notice of the date, time, and place has been given in the Annual Meeting Schedule.

B. Special Meeting. Any meeting of the Board that replaces or is held in addition to regular meetings.

C. Annual Meeting. The meeting at which officers of the District are elected. The Annual Meeting shall be held on the date and hour of its regularly scheduled meeting in August.

D. Emergency Meeting. A special meeting held as a result of unforeseen circumstances, to consider matters of an urgent or emergency nature.

7.2 PLACE OF MEETINGS

Except as may otherwise be determined, meetings of the Board shall be held at the principal place of business of the District.

7.3 PUBLIC NOTICE OF MEETINGS

A. Annual Meeting Schedule. An annual schedule of the regular meetings of the Board shall be posted at all times in a conspicuous place at the District's principal office. The annual schedule of regular meetings shall be sent to the *Salt Lake Tribune, Deseret News,* and other organizations and individuals requesting such schedule.

B. Regular Meeting. Notice of the date, time, place and agenda for each regular meeting shall be posted at the District's principal office 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. Special Meeting. Where possible, the notice described in Section 7.3.B shall be given. However, when unforeseen circumstances require calling a special meeting, including an emergency meeting, the notice requirements of Section 7.3.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.

D. Meeting at a Place other than the Principal Place of Business. Notice of a meeting to be held at a place other than the principal place of business shall be given as provided by law.

7.4 NOTICE TO TRUSTEES

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

A. All meetings of the Board shall be conducted according to Robert's Rules of Order when requested by a Trustee of the Board.

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.

7.6 QUORUM

A majority of the actual number of trustees shall constitute 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 required otherwise by statute or herein.

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 his dissent shall be entered into the minutes of the meeting or unless he shall file his written dissent to such actions with the Secretary before the 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 his responsibilities as a Trustee.

7.9 OPEN AND CLOSED MEETINGS; ACTIONS TAKEN

A. Open Meeting. All meetings of the Board, except closed meetings, shall be open to the public.

B. Closed Meeting. 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.

3. Strategy sessions to discuss pending or reasonably imminent litigation.

4. Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms.

5. Strategy sessions to discuss the sale of real property when: (a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the District from completing the transaction on the best possible terms; (b) the District previously gave public notice that the property would be offered for sale; (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. Actions Taken. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

7.10 MINUTES OF MEETINGS TO BE KEPT

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

1. The date, time, and place of the meeting.

2. The names of members present and absent.

3. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

4. The names of all citizens who appeared and the substance in brief of their testimony.

5. Any other information that any member requests be entered in the minutes.

Minutes shall not be “final” or “official” until they have been formally approved by the Board. Tape recordings and/or notes prepared by or at the direction of the Secretary to keep and/or draft the minutes shall be destroyed immediately after the minutes are formally approved by the Board.

B. Closed Meeting. Unless the closed meeting is called for purposes specified in Section 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, either detailed written minutes or a tape recording shall be kept of the closed portion of the meeting. If minutes are kept, they shall include:

1. The date, time, and place of the meeting.

2. The names of members present and absent.

3. The names of all others present.

4. The content of the meeting.

Tape recordings and written minutes of the closed meeting are protected records under Title 63, Chapter 2, Governmental Records Access and Management Act, and any person who violates the provisions of Utah Code Ann. (1953) § 63-2-801 is subject to the criminal penalties contained in that section. Tape recordings and written minutes of closed meetings may be disclosed pursuant to a Court order only as provided in Utah Code Ann. (1953) § 52-4-10.

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 he 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 Administrative 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 Chapter:

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 participate electronically, provided:

1. The notice for, and procedures of, the meeting shall conform to the Act and to all applicable provisions of the District's Administrative Policy and Procedures Manual; and,

2. The Board, after it makes reasonable effort to do so, is unable to hold the meeting with all Trustees physically present in the anchor location.

C. Trustees 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 who indicated they will attend electronically.

2. Trustees participating electronically shall use a secure, encrypted Internet line or a secure, hard telephone line that prevents unauthorized parties from listening. A cellular or mobile telephone shall not be used.

3. Trustees participating electronically shall not use speaker phones or other communication equipment that may allow unauthorized parties to overhear the meeting.

D. Applicable procedures of the District's Administrative Policy and Procedures Manual shall govern an electronic meeting, with the following additions:

1. Trustees 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 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 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 arise.

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.

CHAPTER 8
RISK MANAGEMENT

8.1 SELF INSURANCE

The District is self-insured for the amount of the deductible(s) on all general liability and motor vehicle-related claims. Commercial Property and Boiler and Machinery coverage is carried on the principal offices and the Southeast Regional and Jordan Valley Water Treatment Plants. A fund has been established to pay administrative and claims expenses.

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 Staff Attorney, may compromise and settle any claim if the payment in compromise is $25,000 or less. All claims settled by the General Manager must be reported to the Board at its next regularly scheduled meeting. The settlement and compromise of claims in an amount exceeding $25,000 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

The purposes of this chapter are to establish standards of conduct for trustees, officers, and employees, and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

9.2 ETHICS

The conduct of District trustees, officers, 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. A photocopy of the Ethics Act, current each year as of August 1, is included in Appendix 2.

CHAPTER 10
VEHICLES

10.1 USE OF DISTRICT VEHICLES

A. The District is in the business of providing water to its member agencies and retail customers 24 hours a day. To enable the District to respond timely to both routine hour and after-hour emergencies, calls for assistance, and to maintain the District's water system, the District provides use of a limited number of vehicles to employees. The District also provides the use of vehicles to employees who are in geographically strategic positions and trained to respond to emergency situations in the event of a natural disaster (such as a flood or an earthquake) or a catastrophic system failure. And, the District provides the use of vehicles to employees who are required to attend meetings during work, after or near the end of work, and/or in locations far from the routine work station. The vehicles provided to employees should be suitable for the requirements of the employee's position based on a number of considerations, including but not limited to: locale, terrain, weather, job assignment, the need to have different types and sizes of District equipment, towing capability, and passenger accommodation.

B. The General Manager shall have discretion, based on the considerations and objectives set forth in Section 10.1.A. and on any other relevant factors, to select both those employees who may use a District vehicle to commute to and from work and the type of vehicle best suited for each employee.

C. Unless the Board determines otherwise, use of a District vehicle is not part of the compensation for an employment position. Vehicles may be re-assigned at any time.

10.2 PERSONAL USE

A. District vehicles may be used only for District business. Vehicles may not be used for personal purposes other than for authorized commuting or de minimus personal use (such as a stop for a personal errand on the way between a business delivery and a personal errand).

B. Employees assigned District vehicles to commute to and from work will have a "commuting valuation" fee added to their semi-monthly paycheck. The fee is based on the number of one-way commutes the employee makes in a pay period multiplied by the commuting value set by the Internal Revenue Service.

10.3 MARKINGS

All District vehicles, except those that are part of the compensation for an employment position, will be clearly marked on both sides with decals or with special painting identifying the vehicles as property of the District and shall have a license plate displaying the letters "EX."

10.4 USE OF PERSONAL VEHICLES FOR DISTRICT BUSINESS

A. Employees are encouraged to use District-owned vehicles when conducting District business. If a District-owned vehicle is not available or it is not practicable to use one, then an employee may use his personal vehicle provided the employee receives authorization from his supervisor. An employee will be compensated for the use of a private vehicle at the rate per mile then allowed by the Internal Revenue Service. This compensation represents the employee's compensation for all costs including gas, maintenance, wear and tear, insurance, and capital investment.

B. If an accident occurs while an employee is engaged in District business, the District, under the following circumstances, will reimburse the employee for the amount of his vehicle insurance deductible:

1. The accident is reported to the applicable, governing law enforcement agency within two (2) hours of the occurrence; the agency completes an investigation of the accident; a report of the investigation is prepared; and the employee, within five (5) working days of the preparation of the report, provides his immediate supervisor with a copy of the report and with proof of insurance coverage for the employee's vehicle.

2. The employee did not cause or contribute to the accident by acts or omissions which were intentional, reckless or grossly negligent.

3. At the time of the accident, the employee was wearing all safety restraints required by law.

4. At the time of the accident, the employee had collision damage insurance coverage on his personal vehicle, with a deductible for such coverage in an amount no greater than Five Hundred and 00/100 Dollars ($500.00).

Payment by the District under this subsection is limited to the amount of the deductible. If the damage to the vehicle was caused, or contributed to, by the acts or omissions of a third party who was not an employee of the District, the personal insurance coverage of the employee or third party shall be the primary insurance to which all parties shall look for compensation. Payment by the District shall be considered only after the employee and/or his vehicle insurance carrier has exhausted all legal remedies and collection efforts against each third party.

C. If an accident occurs while an employee is engaged in District business, and the employee caused or contributed to the accident, the employee may be disciplined.

D. If an employee improperly and/or unlawfully uses a District vehicle, the employee may be disciplined.

10.5 CONDUCT

A. An employee shall use safety restraints as required by law when in any motor vehicle on District business.

B. An employee operating any motor vehicle on District business shall:

1. Exercise reasonable care by obeying all traffic signals and laws; and

2. Be a courteous and responsible driver.

C. An employee operating a District vehicle shall maintain at the time a valid Utah driver's license. In the event an employee's license is suspended or revoked or otherwise rendered invalid, the employee shall report the suspension, revocation or invalidity to the employee's Supervisor. An employee also shall report to his Supervisor (i) any conviction for driving under the influence of alcohol, and (ii) any conviction for speeding during the scope of employment. All reports required by this section of an employee to a Supervisor shall be made within one working day after the suspension, revocation, invalidity, or conviction, as the case may be. The Supervisor shall, in turn, notify the General Manager within one working day of receiving the employee's report. The failure of an employee to report the suspension, revocation, invalidity or conviction shall be grounds for discipline.

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 Travel Policy is to establish rules to reimburse District officials and employees for reasonable costs associated with travel while serving a District purpose or for training which will be of benefit to the District.

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:

- Utah Water Users Association - Annual Meeting
- American Water Works Association - Annual Meeting
- Intermountain Section AWWA - Annual Meeting
- Colorado River Water Users Association - Annual Meeting
- Utah Association of Special Districts - Trustee Training

A Trustee may elect to attend other meetings in lieu of the above-mentioned meetings, provided the cost to attend does not exceed the budgeted cost of the meeting which will be substituted. The substituted meeting must also serve a District purpose or provide a benefit to the District.

B. 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 benefit the District. Employee travel which has not been specifically budgeted in the financial plan and all traveling 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 shall be made with the assistance of the General Manager's Administrative Assistant or the Administrative Assistants of the Assistant General Managers, including meeting registration, transportation, lodging, and car rental.

B. Travel Advance. A travel advance may be obtained before travel. All travel advance requests shall be made to an Administrative Assistant at least one week prior to departure. Any unused travel advance must be returned to the District and the advance reconciled within 30 days after the completion of travel.

C. Service Providers. 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 rate given the needs of the traveler and of the District, and the specific details of the planned travel; and shall inquire about the availability of discounts or price concessions for government employees.

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 Internal Revenue Service guidelines and regulations, and they may be changed from time to time to reflect any changes to those guidelines and regulations. Where possible, reimbursements for lodging, transportation, car rental or registration shall be accompanied with a receipt.

A. Registration. Registration costs for conferences, seminars, training, or other meetings which are not paid by the District shall be reimbursed to the traveler. However, any part of the registration which is to pay for personal activities (tours, guest registrations, etc.) will not be reimbursed to the traveler or the traveler will reimburse the District for these costs if the District has prepaid the registration.

B. Transportation. In-state travel will generally be by ground transportation, while out-of-state travel will be by air. Air transportation shall be limited to coach, and all airline tickets shall be purchased by the District unless approval is otherwise given by the General Manager. All frequent flyer awards may be retained by the traveler and used as desired. All air transportation costs will be paid by the District. If a traveler uses a private vehicle instead of flying, reimbursement will be paid according to the reimbursement rate established by the Internal Revenue Service but cannot exceed a reasonable cost of airfare. Mileage will be calculated using the latest official state road map or almanac and will be limited to the most economical, usually-traveled routes. The traveler may elect to receive the mileage reimbursement if the destination is within 500 miles of Salt Lake regardless of the cost of airfare. Alternative transportation (bus, train, etc.) may be arranged so long as the cost of such transportation does not exceed the lesser of the cost of airfare or mileage reimbursement.

C. Lodging. Lodging shall be paid or reimbursed at the single occupancy rate or at the applicable convention rate. 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 $30.00 per night.

D. Car Rental. Car rental expense may be reimbursed if approval to rent a car has been given by the General Manager. Reimbursement for car rental will be no more than the compact car rate unless special circumstances require a larger vehicle. Car rental expenses may be reimbursed when rental expenses are less than other available forms of transportation or when approved by the General Manager.

E. Meals and Incidental Expenses Allowance.

1. A Meals and Incidental Expenses Allowance ("M&IE") shall be given to a traveler for each business day and for each travel day.

2. The District's M&IE is based on figures and tables published by the Internal Revenue Service ("IRS"), and it may be adjusted to reflect changes in the allowance as published by the IRS.

3. The M&IE includes a daily allowance for three (3) meals (breakfast, lunch, and dinner). Locations throughout the United States qualify for different daily meal

allowances under the IRS Tables, and the Tables allocate specific amounts of the daily allowance to each of the three (3) daily meals.

4. If the expense of a traveler's meal is paid as part of a meeting registration fee or a District-sponsored meal, the portion of the meal allowance assigned to that meal shall be reimbursed by the traveler to the District.

5. Receipts are not required if the standard meal allowance is requested as reimbursement for all meals.

6. The District's M&IE also includes a daily allowance for payment of incidental expenses, including laundry, taxes, tips, bellmen, skycaps, maid service, and valet parking.

F. Private Vehicle. If a traveler elects to use a private vehicle for out-of-state travel, an allowable amount for meals and lodging will be paid for the same period of time that would have occurred had the traveler used air transportation.

G. Miscellaneous Expenses. Travelers shall be reimbursed for actual out-of-pocket costs for miscellaneous items. Each miscellaneous cost shall be supported with a written receipt or other documentation, where possible. The miscellaneous costs and the applicable limitations are as follows:

- Airport Parking. Reimbursement will be provided for long-term parking or park and ride facilities.

- Hotel Parking. Reasonable costs for hotel parking will be allowed.

- Personal Telephone Calls. The District either shall reimburse personal long distance telephone call expenses that average $5.00 or less for each day of travel or shall provide a pre-paid telephone card. The District will also reimburse all business long distance telephone call expenses.

- Ground Transportation Expenses. The District shall reimburse travelers for reasonable costs related to ground transportation for travel from the airport to the hotel, or convention center, and return to the airport. This will include taxi, bus, or shuttle fares or highway tolls. (The traveler is encouraged to use the most economical and available form of transportation).

- Non-Reimbursable Expenses. The District will not pay for spouse or companion expenses. Also, the District will not reimburse a traveler for personal expenses for entertainment, sightseeing or non business-related tours or other activities. Alcohol expenses will not be reimbursed. It is the responsibility of the traveler to distinguish between allowed expenses and spouse, companion or personal expenses.

11.6 COUNTING BUSINESS DAYS FOR TRAVEL

The traveler's business days include transportation days and days spent conducting business or attending conferences.

Transportation days will be allowed as follows:

- One transportation day is allowed for the day preceding the conference, meeting or other business day.

- One transportation day is allowed for the day following the conference, meeting or other business day.

An employee whose travel time is greater than the transportation days as defined above 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

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 to the reimbursement request.

The 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, Department Manager, traveler and to the Purchasing Agent for reimbursement.

A quarterly report of Trustee and employee travel expenses shall be provided to the Board.

11.8 CREDIT CARDS

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

CHAPTER 12
AMERICANS WITH DISABILITIES POLICY

12.1 BACKGROUND

Title I of the Americans with Disabilities Act ("ADA") prohibits an employer from discriminating against qualified individuals with disabilities in their recruitment, hiring, promotion, training, lay-off, pay, firing, job assignments, leave, benefits, and all other employment related activities. The ADA also makes it unlawful for an employer to discriminate against an applicant or an employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability. Additionally, the ADA prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA.

12.2 PURPOSE

The purpose of this policy is to comply with the provisions of the "Americans with Disabilities Act" and to provide reasonable accommodations to the known physical and mental limitations of a qualified applicant or employee with a disability unless the accommodation would impose an undue hardship. Another policy purpose is to provide guidance in determining types of reasonable accommodations that qualified individuals with a disability, as defined by the "Americans with Disabilities Act," may require, and to implement a procedure to document inability to provide an accommodation due to undue hardship.

12.3 DEFINITIONS

ADMINISTRATORS: The General Manager, Assistant General Manager, Human Resource Manager, and Department Managers.

DISABLED INDIVIDUAL: A person having a physical or mental impairment that substantially limits a major life activity; a person having a record of such impairment; or a person being regarded as having such an impairment.

ESSENTIAL FUNCTIONS: The basic job duties that an employee must be able to perform, with or without reasonable accommodation. Fundamental job tasks as opposed to marginal, not critical and not frequently performed job functions.

LIGHT OR RESTRICTED DUTY: A temporary adjustment of job tasks or duties which an employee is physically or mentally unable to perform due to a temporary disability.

MAJOR LIFE ACTIVITY: Activities that an average person can perform with little or no difficulty such as walking, hearing, seeing, speaking, breathing, performing manual tasks, learning, caring for oneself, standing and working.

MENTAL IMPAIRMENT: Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

PHYSICAL IMPAIRMENT: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

QUALIFIED INDIVIDUAL WITH A DISABILITY: A person who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position held or desired and who, with or without reasonable accommodation, can perform the essential functions of the position.

REASONABLE ACCOMMODATION: Any change in the work environment or in the way things are customarily done that would enable an individual with a disability to perform the essential functions of the position sought.

SUBSTANTIAL LIMITS: A physical or mental impairment that affects the duration, extent and manner in which a major life activity is performed.

UNDUE HARDSHIP: An accommodation that would be unduly costly, extensive, substantial or disruptive, or one that would fundamentally alter the nature or operation of business when considered in the light of factors such as employee's size, financial resources, and the nature and structure of its operation.

12.4 HIRING PROCEDURE

A. The Human Resource Manager and all others responsible for hiring shall provide reasonable accommodations to applicants with a disability in the application, interview, and examination process. These accommodations may include providing assistance in filling out the employment application, rescheduling the examination or interview, moving the examination or interview to an alternate District facility location, reading the test to the applicant, providing interpreters, visual aids, enlarged print, extending time limits, etc.

   1. Requests for reasonable accommodations must be received by the Human Resource Manager at least two working days prior to the examination or interview.

   2. All requests will be reviewed on a case-by-case basis, and decisions will be based on the type of request, the applicant's disability, and the nature of the job.

B. The District shall not ask whether an applicant has a disability or inquire as to the severity of the disability.

C. The Human Resource Manager shall have a current job description on file which identifies the essential functions of a position before a vacancy is advertised or filled.

D. Administrators may inquire whether the applicant or employee is able to perform the essential functions of the job with or without reasonable accommodations.

E. After a job offer is made and prior to the commencement of the employee's duties, the District requires that, as with all prospective employees, the disabled employee obtain a medical examination and drug and alcohol screen test. The employee's job offer is conditioned on the results of the medical examination, however, the employee will be excluded because of the existence of a disability only if there is no reasonable accommodation that makes it possible for the applicant to perform his essential job functions. The results of the medical examination will be kept confidential and will be maintained in a separate medical file.

12.5 REASONABLE ACCOMMODATIONS IN THE WORKPLACE

Reasonable accommodations shall be provided to an employee with a disability who can perform the essential functions of the position held, unless the affected District Department can demonstrate undue hardship. Reasonable accommodations are required to ensure equal employment opportunity and to enable the disabled employee to perform the essential functions of the job, and to enable the disabled employee to enjoy benefits and privileges equal to that of non-disabled employees. The Human Resource Manager may inform the employee of the availability of accommodations and provide the individual with the opportunity to voluntarily suggest reasonable accommodations. It shall be the responsibility of the applicant or employee with a disability to request the type of

accommodations necessary to perform the essential functions of the job. Reasonable accommodations may include:

A. Restructuring the job (elimination of non-essential tasks, reassignment of work among co-workers, designing additional procedures for task accomplishment, etc.).

B. Part-time or modified work schedule.

C. Making facilities used by employees accessible to and usable by people with disabilities (for example, removing architectural barriers).

D. Acquiring or modifying equipment or devices.

E. Reassigning or transferring an employee to a vacant position.

F. Adjusting or modifying examinations, training materials, or policies.

G. Providing readers and interpreters.

H. Job restructuring.

I. Providing additional unpaid leave.

Notwithstanding the foregoing, administrators are not required to lower performance standards to make an accommodation. Disabled employees are required to follow rules, policies, procedures, and standards others are required to adhere to in the work environment. Any accommodation that would pose a significant health or safety risk to the applicant, employee or others in the workplace is not reasonable.

12.6 TRANSFERS/REASSIGNMENTS

In cases where an employee is unable to continue performing the essential job functions even with accommodations, due to a permanent disability, Administrators may have thirty (30) days in which to attempt to transfer or reassign the employee to a vacant position.

A. The employee may be placed on a leave of absence without pay while the Department attempts to place the employee in another position.

B. Department Managers who are unable to reassign or transfer a disabled employee shall notify the Human Resource Manager and the General Manager immediately. The Human Resource Manager may take an additional sixty (60) days to evaluate the vacancies available in the District in an effort to identify a position for which the employee may qualify and where the disability can be reasonably accommodated. During this period of time, the employee shall continue to be on leave without pay.

C. If, in the judgment of the Human Resource Manager, a position is available for which the employee qualifies, the Human Resource Manager, in consultation and with the consent of the General Manager and the Department Manager wherein the vacancy exists, will effectuate a transfer.

D. If a position is not found within the District, the employee shall be terminated. The Human Resource Manager shall notify the terminated employee of any job openings that become available within the next thirty (30) days following the termination of employment.

12.7 COSTS

A. The cost of a reasonable accommodation shall be borne by the District.

B. Applicants or employees with a disability who voluntarily offer to contribute toward the expense of an accommodation may be allowed to do so.

C. Applicants or employees with a disability who wish to bring to the work environment equipment or devices that facilitate performing the essential job functions may be allowed to do so, unless the equipment or device is unreasonably or extraordinarily disruptive.

12.8 UNDUE HARDSHIP

Before an applicant or an employee is denied an employment opportunity because the accommodation required would pose an undue hardship, the Department Manager must consider the following:

A. The nature and cost of the accommodation.

B. The impact of the accommodation on the facility.

C. The impact of the accommodation on other employees' abilities to perform their duties.

D. The impact of the accommodation on the District's ability to conduct business or provide services.

E. The financial resources of the District.

F. The effect on expenses and resources.

G. The District's operation, function and structure.

If cost causes the undue hardship, the District will consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. The District will also give the applicant or the employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship. If a particular accommodation would be an undue hardship, the District will try to identify another accommodation that will not pose such a hardship.

12.9 UNDUE HARDSHIP DOCUMENTATION

When the District is unable to provide an accommodation, the Department Manager and Human Resource Manager shall document the District's inability to provide the accommodation.

A. A letter/memorandum which follows the considerations outlined in Section 12.7 shall be submitted to the General Manager within five (5) working days of having informed the applicant or employee of the District's inability to provide the accommodation.

1. Department Managers shall document that they provided consultation with the individual requesting an accommodation. Department Managers shall consult with the General Manager before a request for an accommodation is rejected in order to assess the reasonableness of the denial and verify that resources available to the District have been explored.

2. A copy of the documentation shall be retained by the Department Manager and Human Resource Manager and shall be made available to the applicant or employee for review.

B. Upon notifying an applicant or employee of the District's inability to provide the requested accommodation, the applicant or employee shall be provided a copy of the complaint procedure set forth in 12.9.

12.10 COMPLAINT PROCEDURE

A. Public Complaints. Any member of the public can file a complaint regarding accessibility to buildings, employment, programs, services or activities of the District with any Department Manager or Supervisor in the department where the complaint arises. A copy shall be provided to the General Manager.

B. Employee and Job Applicant Complaints. Employees and job applicants may file a complaint with the Human Resource Manager. Upon receipt of a written or oral complaint by the Human Resource Manager, the Human Resource Manager shall immediately notify the General Manager and Department Manager of the department where the complaint originated.

C. Reasonable Efforts. Reasonable efforts shall be made to internally resolve complaints at the Department Manager level. Complaints not resolved at the Department Manager level shall be referred to the General Manager.

D. Inquiry. In cases where a complaint is not resolved at the Department Manager level or the complainant is not in agreement with the proposed resolution, the Human Resource Manager shall conduct an inquiry into the issues raised.

1. The Human Resource Manager will have thirty (30) calendar days in which to conduct an inquiry and prepare a report.

2. Confidentiality shall be protected to the extent possible under the law.

3. Copies of the Human Resource Manager's report shall be forwarded to the complainant, the Department Manager, and the General Manager.

4. The complainant may appeal the Human Resource Manager's report to the General Manager, who may conduct a hearing or otherwise attempt to resolve the matter.

E. No person filing a complaint under this policy, no person named in the complaint, and no person who legitimately assists another in the prosecution of such a complaint shall be subjected to retribution or retaliations of any kind for doing so. Retaliation may consist of but is not limited to: open hostility, exclusion or ostracism, special or more closely monitored work performance, demotion, suspension, or assignment to demeaning duties not otherwise performed during the regular course of the employee’s duties. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action (for the District’s Discipline and Grievance Policy see the Personnel Rules and Regulations Manual, Chapter 9, §§ 1-4).

CHAPTER 13
INVESTMENT POLICY

13.1 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.

13.2 SCOPE

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.

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.

13.3 OBJECTIVES

The objectives of this investment policy include the following:

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

13.4 POLICY

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

A. Prudence. 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. 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. 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. Any conflict of interest with this investment policy shall be reported to the General Manager.

C. Investment Committee. The Investment Committee shall make recommendations to the Treasurer for the investment of District funds. The Committee shall include the District's Chief Financial Officer and its Assistant Treasurer. The Treasurer may, when recommended

by the Committee, invest District funds without prior Board approval, provided the investments (i) use form agreements standardized by the District; (ii) are similar to other investments previously made by or on behalf of the District; (iii) do not obligate the Board to take further action; (iv) do not expose the District to unreasonable risk or expense; (v) comply with the Act and with the provisions of this Policy; and, (vi) do not use an interest rate swap, a forward delivery agreement, or similar instrument. The General Manager is authorized to execute all documents for investments made by the Treasurer pursuant to this paragraph.

D. Delegation to the Treasurer. The Treasurer shall be responsible for conducting investment activities and shall establish procedures for conducting investment activities consistent with this policy. The Treasurer shall maintain a system of checks and balances and internal controls so that District funds will at all times be protected from loss, theft and fraud.

E. Safekeeping, Custody and Authorized Dealers. 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. 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. The District may make any investment authorized by the Act. 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"). 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. If the District invests in commercial paper or corporate bonds, it shall restrict such investments to 10% of the total investment portfolio for any one issuer and 25% of the total portfolio for any one investment type. All percentages shall be calculated as of the date of purchase. This restriction does not apply to any other investment.

H. Maximum Maturity. 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 36 months from the date of purchase. However, the maximum maturity restrictions shall not apply to collateral used for qualified repurchase agreements.

I. Reporting. The Treasurer shall report the status of investments on a monthly basis to the Board of Trustees. 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 UPTIF as a benchmark.

CHAPTER 14
PUBLIC RECORDS POLICY

14.1 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.

14.2 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.

14.3 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.

14.4 RECORDS MANAGER

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

14.5 REQUESTS FOR RECORDS

A request for a record shall be directed to the District's Records Manager at 8215 South 1300 West, P. O. Box 70, West Jordan, UT 84088-0070.

14.6 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.

2. Audio Tape: $20.00 per tape.

3. Floppy Disc or Compact Disc: $10.00 per disc.

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. Secretary: $15.00 per hour.

2. Records Manager: $20.00 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.

14.7 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 the determination 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 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, available to its customers on a cost-of-service basis and 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 Utah Code Ann. (1953) § 17A-2-1401 and Section 1.2 of 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 customer 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 District's General Manager shall advise the District's Board when a vacancy occurs in a governmental board or office that is relevant to the District.

B. From time to time, District recommendations for appointment to governmental boards and offices may be made by a resolution duly adopted by the Board.