**RESOLUTION NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING RESOLUTION 4-2006 WHICH ESTABLISHED AN ADMINISTRATIVE CONTROL BOARD AND DELEGATED CERTAIN POWERS TO THAT BOARD TO GOVERN THE OPERATIONS OF THE WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT**

**RECITALS**

 **WHEREAS**, Utah Code Annotated § 17D-1-201permits counties to establish special service districts for the purpose of establishing consolidated 911 and emergency services; and

 **WHEREAS**, the Weber Area Council of Governments (“WACOG”) requested that the Board of County Commissioners of Weber County create a district to fund and govern the operations of a consolidated 911 and emergency services district; and

 **WHEREAS**, on the 12th day of July, 2005, the Board of County Commissioners of Weber County adopted a resolution establishing the Weber Area Dispatch 911 and Emergency Services District (“District”); and

 **WHEREAS**, the resolution also appointed an administrative control board for the district and delegated certain powers to that administrative control board; and

 **WHEREAS**, the Board of County Commissioners amended the resolution in April of 2016 to account for certain legislative changes to the appointment process; and

 **WHEREAS**, the legislature has again modified the statute pertaining to the appointment of board members to the administrative control board and the Board of County Commissioners wishes to amend the resolution again to resolve any conflicting provisions between the resolution and state code;

 **NOW THEREFORE**, the Board of County Commissioners of Weber County hereby amends Resolution 4-2006 to read as follows:

**SECTION ONE**

**ADMINISTRATIVE CONTROL BOARD**

1.1 The Board of County Commissioners of Weber County (“Commission”) hereby establishes an Administrative Control Board (“Board”) to govern the day-to-day operations of the Weber Area Dispatch 911 and Emergency Services District (“District”). The Commission confers upon the Board certain authority and powers pursuant to Utah Code Annotated § 17D-1-301. In accordance with the law governing the delegation of certain powers to the Board, the Commission reserves the right without cause to dissolve the Board.

1.2 In accordance with the provisions of Utah Code Annotated § 17B-1-304 and § 17D-1-303, the Board shall be established as follows:

A. The Board shall be comprised of seven members, three to be selected and appointed by the Commission, one to be appointed by Ogden City, one to be appointed by Roy City, and two to be recommended by WACOG and appointed by the Commission. Initial terms shall be staggered such that approximately one half of the members are appointed every two years and for four year terms following the initial terms of appointment. All appointees shall be appointed by resolution of the appointing authority and shall continue to serve until resignation, removal, or a replacement is appointed by the appointing authority.

B. In any calendar year when appointment of a new Board member is required, the appointing authority shall follow the provisions of Utah Code Annotated § 17B-1-304 and § 17D-1-303 in filling the vacant position.

C. Board members may be removed for cause at any time by a two-thirds vote of the appointing authority. Cause means: (a) an act which brings disrepute to the Board; (b) an act or behavior which is inimical to service on the Board; (c) failure to attend at least 50% of allboard meetings in a calendar year; or (d) an appointed representative of a city or town no longer holds the elected or appointed position with that city or town which was held by the representative at the time of appointment to the Board.

1.3 The Board shall elect from among the membership of the Board, a Chair and a Vice Chair. The Executive Director of the District (hereinafter referred to as “District Director”) shall act as the District treasurer and shall provide office staff who will act as the District clerk.

A. Officers of the Board shall be elected for a two-year term at the first meeting of the Board after July 1st in odd years. The election shall be the last item of business at the meeting and the newly elected officers shall assume office immediately following the election.

B. The Chair shall preside at all meetings of the Board. The Vice Chair shall act as Chair in the absence of the Chair. In the absence of both officers, those members present shall elect a temporary Chair to serve at that meeting. The temporary Chair shall have all the duties and responsibilities of the Chair.

C. The District clerk shall keep a record of all proceedings of the Board and perform the usual duties of such office.

1.4 All meetings of the Board shall comply with the provisions of the “Utah Open and Public Meetings Act.”

A. Items may be placed on the agenda by any member of the Board at least one week prior to the scheduled meeting.

B. The approved minutes of the Board will be deemed public record and available to Board members and the public upon request. Board members shall have access to all records, tapes and files of the District, as long as the Board member treats such information in accordance with its designation under the Government Records Access Management Act.

C. The Chair shall conduct the meetings of the Board in an orderly fashion. If any member so requests then the latest published edition of “Robert’s Rules of Order” shall govern.

D. Unless excused by the Chair of the Board, the DistrictDirector and Chair of the Operations Committee shall attend meetings of the Board.

E. Other committees may be appointed as deemed necessary and as approved by the governing authority of the District.

 F. Each Board member shall have one vote in any actions taken by the Board.

G. A quorum shall be necessary to conduct the business of the Board and a quorum shall consist of a majority of all appointed members.

H. The Board chair may from time to time convene and conduct meetings in which one or more Board members attend and participate through electronic means. Electronic meetings shall comply with the provisions of Utah Code Annotated § 52-4-207. Board members who attend a meeting electronically shall be included in calculating a quorum.

**SECTION TWO
DELEGATED POWERS**

2.1 The legislative body of the County, acting for itself and in its capacity as the governing authority of the District, hereby delegates to the Board the following rights, powers and authority:

 A. The right to sue and be sued.

B. The power to enter into contracts considered desirable by the governing authority of the service district to carry out the functions of the District, including, without limitation, the power to enter into contracts with the government of the United States or any of its agencies, the State of Utah, counties, municipalities, school districts, and other public corporations, districts, or political subdivisions including institutions of higher education. These contracts may include, without limitation, provisions concerning operation and maintenance of any facilities of the District, and the collection of fees or charges with respect to commodities, services, or facilities provided by the District.

C. The power to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and otherwise deal with personal property, or any interest in them, wherever situated, either within or outside of the District.

D. The power to sell, convey, pledge, lease, exchange, transfer and otherwise dispose of a contract with respect to the use, operation, and maintenance of, all or any part of its personal property.

E. The power to accept governmental grants, loans, or funds and to comply with the conditions of them.

F. The right to utilize any officers, employees, property, equipment, offices, or facilities of the county, and for which the governing authority of the District shall reimburse the county from District funds, a reasonable amount for the services so rendered for the property, equipment, offices, or facilities so used.

G. The right to employ officers, employees and agents for the District, including engineers*,* accountants, attorneys, and financial consultants, and to fix their compensation.

 H. The right to adopt an official seal for the District.

2.2 The Board may also:

A. Enact a resolution or ordinance that imposes fees or charges for any commodities, services or facilities provided by the District. The District may collect those fees or charges.

B. Adopt rules to assure the proper collection and enforcement of all fees and charges imposed by this section.

(a) (i) The Board may assess and collect penalties and interest if the fees and charges are not paid when due.

(ii) Any penalty or interest on delinquent charges assessed under the authority of this subsection shall be the same as applied to delinquent real property taxes for the year in which the fee or charge became delinquent.

(b) When more than one commodity, service or facility is furnished by the District, the fees and charges for all commodities, services, and facilities may be billed to the user in a single bill.

(c) All or any of the commodities, services, and facilities furnished to a user by the District may be suspended if any fees or charges due to the District are not paid in full when due.

**ARTICLE THREE**

**GOVERNING AUTHORITY RETAINED POWERS**

3.1 In addition to retaining all other powers not specifically delegated to the Board, the Commission acting in its capacity as the governing authority of the District retains the sole authority to borrow money and incur indebtedness, issuing bonds or notes therefor, including, without limitation:

A. bonds payable in whole or in part from taxes levied on the taxable property in the District.

B. bonds payable from revenues derived from the operation of revenue-producing facilities of the District;

 C. bonds payable from both such revenues and taxes;

D. guaranteed bonds, payable in whole or in part from taxes levied on the taxable property in the District;

 E. tax anticipation notes;

 F. bond anticipation notes; and

 G. refunding bonds.

**ARTICLE FOUR**

**OPERATIONS ADVISORY COMMITTEE**

4.1 The Commission also authorizes the Board to ratify the appointment and use of an Operations Advisory Committee to aid the Board in developing rules and regulations for the Board’s approval to govern the day-to-day operations of the District. The Operations Advisory Committee shall be governed as designated herein.

1. An Operations Advisory Committee shall be appointed by the Board and shall be comprised of one fire*/*EMS and one law enforcement representative (if applicable) of each participant as determined by the Board. Each representative shall have one vote on motions or business voted on by the Operations Advisory Committee. The Operations Advisory Committee shall be primarily responsible for developing rules/regulations to govern the day-to-day operations of the District subject to approval by the Board. Such rules/regulations may be adopted on an interim or trial basis by the DistrictDirector but must be approved or rejected by the Board within (90) ninety days of interim or trial use.

1. The Operations Advisory Committee shall elect from among its membership a Chair and a Vice Chair. The DistrictDirector shall designate clerical support and provide a secretary for the Operations Advisory Committee.
2. Elected Officers. The elected officers of the Operations Advisory Committee shall consist of a Chair and a Vice Chair. The Vice Chair shall move successively up to the position of the Chair after a term of one (1) year. The past year’s Chair shall serve as an ex-officio, in a voting capacity on the executive committee. Members of the committee shall elect a new Vice Chair during their first meeting after July 1st of each year.
	1. Executive Committee. The Executive Committee shall manage the routine affairs of the Operations Advisory Committee and act on behalf of the Committee when the general membership is unable to meet. The Executive Committee shall consist of the Chair, Vice Chair and the Past Chair.
	2. Vacancies in Officers. If a vacancy is created in the position of the Chair, the Vice Chair shall be moved up to fill the vacancy. The Vice Chair position shall be filled by election by the general membership of the Operations Advisory Committee at itsnext regularly scheduled meeting.
3. The Chair shall preside at all meetings of the Operations Advisory Committee. The Vice Chair shall act as the Chair in the absence of the Chair. In the absence of both officers*,* the past chair shall serve as temporary Chair at the meeting. The temporary Chair shall have all the duties and responsibilities of the Chair.

4.2 Meetings

1. The Chair shall conduct the Operations Advisory Committee meetings in an orderly fashion. If any member so requests, then the latest edition of “Roberts Rules of Order” shall govern the Operations Advisory Committee meeting.

1. The date, time and location of all meetings shall be determined by the Operations Advisory Committee and notice shall be given to each member and the chairman of the Board.
2. Agenda items for the Operations Advisory Committee will be scheduled with the Director.

4.3 Rules of the Operations Advisory Committee

1. The Operations Advisory Committee may, from time-to-time, establish rules governing its own conduct and procedures, and have such expressed or implied authority as is not inconsistent with or contrary to the laws of the State of Utah and rules established by the Commission or Board for operation of the District.
2. Operations Advisory Committee members shall not receive any salary from the District for attending meetings of the Committee, except to reimburse the reasonable and necessary expenses as may be approved by the Board.

RESOLVED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

BOARD OF WEBER COUNTY COMMISSIONERS

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Scott Jenkins, Chair

Commissioner Froerer voted \_\_\_\_\_\_

Commissioner Harvey voted \_\_\_\_\_\_

Commissioner Jenkins voted \_\_\_\_\_\_

ATTEST:

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Ricky Hatch, CPA

Weber County Clerk / Auditor