

# SIX COUNTY INFRASTRUCTURE COALITION

## OPERATING RULES, REGULATIONS AND BYLAWS

Amended as of January 8, 2016

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# **1 GENERAL**

## **1.1 Mission Statement**

1.1.1 Six County Infrastructure Coalition, hereinafter referred to as “Coalition,” was created pursuant to an Interlocal Cooperative Agreement for joint or cooperative planning, development, ownership, management, and operation of projects, infrastructure, improvements, etc. to benefit the Coalition Members and the citizens represented by the Members. The Coalition is a separate legal entity and political subdivision and operates as an independent body to the extent allowed by Utah law.

## **1.2 Seal**

1.2.1 The seal of the Coalition shall be a circular seal with the name of the Six County Infrastructure Coalition, Utah and its place of business around the border and the word “Seal” in the center.

## **1.3 Rules of Construction**

1.3.1 The singular number includes the plural.

1.3.2 Words used in the present tense include the future.

1.3.3 Words used in the masculine gender comprehend, as well, the feminine and neuter.

1.3.4 The word “person” includes bodies politic and any individual, partnership, association, corporation or group of individuals, however styled or designated.

## **1.4 Conflicts and Invalidity Clause**

1.4.1 If any provision, paragraph, word, section, or chapter hereof is invalidated by any court of competent jurisdiction or by any state or federal statute, the remaining provisions, paragraphs, words, sections, and chapters hereof shall not be affected and shall continue in full force and effect.

## **1.5 Amendments**

1.5.1 These Operating Regulations and Bylaws may be amended by a majority vote of the Boardmembers in favor of such amendment at any duly noticed meeting of the Board. Notice of the proposed amendments shall be posted at the Coalition’s offices and two other public places within the Coalition at least 14 days prior to said Board meeting and shall state that a copy of the proposed amendments is available for review during normal business hours at the Coalition’s offices. Until the Coalition obtains its own offices, the primary administrative office of any and every Member County shall be considered to be the Coalition’s office. A copy of the proposed amendments shall be

made available at the Coalition's offices during this 14-day period. The Board may also publish notice of the Board's resolution adopting the amendments in a newspaper having general circulation in the Coalition in accordance with U.C.A. § 11-13-219 in order to limit any challenges of thereof after 30 days.

## **2**      **BOARD**

### **2.1**      **Coalition Government Vested in the Board**

- 2.1.1      The Governing Board (the “Board”) of the Coalition shall be as set forth in Section 5.4 subparagraphs A through L of the Interlocal Cooperation Agreement Establishing the Six County Infrastructure Coalition (the “Creating Agreement”) with all rights, powers, and authority to govern the Coalition and be its policy making body, to the fullest extent permitted by law.
- 2.1.2      The Board is composed of six Boardmembers as set forth in Section 5.4 of the Creating Agreement.
- 2.1.3      The Coalition Executive Director and the subordinate officers and employees will execute the will of the Board as expressed by Board policy and direction.

### **2.2**      **Functions of the Board**

- 2.2.1      Generally speaking the Board exercises all powers and duties in the operation of the properties of the Coalition as are ordinarily exercised by the governing body of a political subdivision, and has the final responsibility and authority in the administration of the affairs of the Coalition, to the extent permitted by law. Consistent with Section 5.4(f) of the Creating Agreement, the Member Counties have agreed to advance infrastructure projects or enterprises extending from one county jurisdiction into another, or involving more than one county, through the Coalition. Where assets or rights of one or more Member Counties will benefit a Coalition project or enterprise, then such Member Counties shall receive compensation for the Coalition’s use of such assets or rights consistent with paragraph 6.4(C) of the Creating Agreement, unless otherwise agreed by Supplemental Contract (as defined in the Creating Agreement).
- 2.2.2      In every case, the will of the Board shall be expressed by at least a majority vote (four votes) of the Board. A simple majority means four votes. No statement or act of any individual member of the Board, including the Chair, shall be viewed as the will of the Board or as binding the Board or the Coalition. No statement or act of any Member County to the Coalition shall be viewed as the will of the Coalition Board or as binding the Coalition nor its Board. As provided in the Creating Agreement, certain actions of the Board, such as amending the Creating Agreement, must be approved by a super-majority of the Board. Except for where a super-majority of the Board is required by the Creating Agreement or by law, or by these bylaws, all other approvals by the Board shall only require a simple majority of the Board.
- 2.2.3      The Board shall appoint, as the need arises, qualified persons to function as Executive Director of the Coalition, and other appropriate staff to carry out the day-to-day operations and administration of the Coalition. The Governing Board may retain professionals and consultants for various matters as deemed appropriate by the Board.

A clerk shall keep records for the Board consistent with the Utah Government Records Access Management Act. Meetings of the Board shall be conducted as set forth in the Creating Agreement and as is consistent with the Utah Open and Public Meetings Act. The Board shall also create any other offices as may be deemed necessary for the good government of the Coalition and shall regulate and prescribe the powers and duties of all officers of the Coalition, except as provided by law. The Member Counties may assign employees of the Member Counties to assist the Coalition as provided by U.C.A. 11-13-222.

2.2.3.1 Consistent with the Creating Agreement, the Coalition Executive Director administers the policies and directives of the Board and manages the day-to-day operations and affairs of the Coalition. The Board will review the Executive Director's performance. At times that the Coalition does not have an Executive Director, the Chair or Co-Chairs of the Board shall act as the Executive Director. When a non-Boardmember is hired to fill this position, the Board will review the Executive Director's compensation level annually.

2.2.3.2 The responsibilities of the Executive Director shall be to (A) operate the funds and assets of the Coalition consistent with prudent business practices, (B) ensure there are adequate standard operating procedures for the types of assets and infrastructure owned by or in which the Coalition has an interest, (C) ensure the finances are properly maintained consistent with the Creating Agreement and Utah law for public bodies, (D) ensure compliance with State and Federal regulations, as applicable, (E) be sensitive to natural features and resources within the Member Counties, (F) manage employees of the Coalition consistent with best practices and under direction of the Board, (G) provide leadership and guidance to employees and enterprises of the Coalition, and (H) act for the public welfare of the Member Counties and their residents.

2.2.4 The Board shall not approve any contract in a closed meeting.

2.2.5 The Board will review this document from time-to-time to ensure that it is pertinent and current.

## **2.3 Board Committees**

2.3.1 The Board may from time to time appoint committees of its own members to conduct investigations into the conduct of any officer, of Coalition government, or any matter relating to the welfare of the Coalition, and delegate to those committees such powers of inquiry as the Board may deem necessary.

## **2.4 Chair of the Board**

- 2.4.1 The January following every general election (November elections in even numbered years), the Board shall select one of its members to act as Chair. Initially, the Board shall be directed by Co-Chairs as selected by the Board.
- 2.4.2 The Chair or Co-Chairs shall:
  - 2.4.2.1 Preside at all meetings of the Board and shall control the agendas and orderly conduct of Board meetings.
  - 2.4.2.2 Execute, on behalf of the Coalition, all bonds, resolutions of the Board, and, where required, contracts, other written obligations, and countersign disbursement checks.
  - 2.4.2.3 Attend and, if appropriate, preside at ceremonial activities (including, but not limited to ribbon cutting, open houses, and receptions) in which ceremonial representation is needed or sought.
  - 2.4.2.4 Be a spokesperson for the Board, unless the Board directs otherwise. When the Chair acts as a spokesperson for the Board or the Coalition, he should speak for the majority of the Board. When speaking for himself or in his capacity as an individual member of the Board, he should clearly identify that limited capacity.
  - 2.4.2.5 Assume the duties of the Coalition Executive Director until such time as there is a non-Boardmember hired to act as the Coalition Executive Director. The Chair may not also be the Coalition Clerk or the Treasurer.
  - 2.4.2.6 Represent the will of the Board.
- 2.4.3 The Chair shall have no duties other than those specified in this section, except as a general Boardmember.
- 2.4.4 The Chair has the right to vote as a Boardmember.
- 2.4.5 The Chair shall conduct public meetings in an orderly fashion and if requested, consistent with Robert's Rules of Order.

## **2.5 Boardmember Responsibilities**

- 2.5.1 Each member of the Board is expected to familiarize themselves with the issues and items confronting the Coalition or items on a meeting agenda, and to act in the best interests of the Coalition.
- 2.5.2 Any two or more members of the Board may request that an item or matter be placed on a meeting agenda, and if so requested, the Chair shall place such item or matter on the agenda for the next Board meeting.

- 2.5.3 The Board may only take action on items that are on a properly noticed agenda as provided by the Utah Open and Public Meetings Act.
- 2.5.4 Each member of the Board shall receive reimbursement for necessary traveling and other expenses actually expended while engaged in the performance of their official duties.
- 2.5.5 The Board may not compensate its members for their service as Boardmembers beyond the compensation they receive from their elected office, other than reimbursement expenses.

## **2.6 Vacancy in the Board and Offices**

- 2.6.1 In the case of a vacancy in the Board which vacancy shall be occasioned by reason of death, disability, removal, or resignation, the vacancy shall be filled by the Member County to which the vacant seat corresponds.

## **2.7 Qualifications of Boardmembers**

- 2.7.1 Each Boardmember shall be an elected official within the Member County appointing such Boardmember.

## **2.8 Attendance at Board Meetings**

- 2.8.1 Each Boardmember is expected to make reasonable efforts to attend each meeting of the Board. When unable to attend, the Boardmember should make reasonable efforts to notify the Coalition Clerk, or any other officer or Boardmember. If the Coalition Clerk cannot be reached, in advance of the meeting, another Boardmember should be notified of the expected absence and the reason for the absence. A Member County may be represented by a substitute Boardmember, as provided in the Creating Agreement, if the standing Boardmember for such County is absent.

### **3 COALITION ADMINISTRATION**

#### **3.1 Structure of Coalition Administration**

- 3.1.1 Coalition administration consists of the Coalition Executive Director and other officers as needed.
- 3.1.2 The administrative powers of the Coalition are vested in and exercised by the Executive Director.
- 3.1.3 Each officer of the Coalition 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 Executive Director. The designation of a duty or responsibility shall constitute such authority as is necessary to affect the duty or responsibility so imposed.

#### **3.2 Appointment of the Coalition Executive Director**

- 3.2.1 Until such time as the Board elects by a majority vote of its full membership to hire an employee to serve as the Coalition Executive Director, the Chair shall perform the duties of the Coalition Executive Director. At such time as the Board elects to hire an employee to serve as the Coalition Executive Director, the Board shall appoint a Coalition Executive Director solely on the basis of his or her ability, integrity, and prior experience relating to the duties of the office, including but not limited to managerial capabilities that, in the opinion of the Board, befit him or her to provide professional direction to the Coalition.

#### **3.3 Power and Duties of Coalition Executive Director**

- 3.3.1 The Coalition Executive Director shall:
  - 3.3.1.1 Faithfully execute and enforce all applicable laws, rules and regulations and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the Coalition are observed;
  - 3.3.1.2 Carry out the policies and programs established by the Board;
  - 3.3.1.3 Establish standards, qualifications, criteria, and procedures to govern the appointment of employees within the Coalition, subject to any applicable provisions of the Personnel Rules and Regulations and this Document.
  - 3.3.1.4 Submit to the Board plans and programs relating to the development and needs of the Coalition, and annual or special reports concerning the financial, administrative and operational activities of the Coalition;
  - 3.3.1.5 Attend all meetings of the Board and take part in its discussions and deliberations;

- 3.3.1.6 Recommend to the Board for adoption such measures as deemed necessary or expedient;
- 3.3.1.7 With the assistance of the Coalition Treasurer and Coalition Clerk, prepare a financial estimate of the annual budget and advise the Board of the financial condition and needs of the Coalition;
- 3.3.1.8 With the assistance of the Coalition Clerk, schedule public hearings before the Board as required by law, including, but not limited to, budget hearings, and cause notice thereof to be published as required by law.
- 3.3.1.9 Execute such contracts, as authorized by the Chair (for example, contracts for less than \$10,000), as are necessary for the good order and functioning of the Coalition, provided the expenditures pursuant to such contracts are within the appropriations contained within the appropriate budget, as adopted by the Board;
- 3.3.1.10 Implement and administer such plans as approved by the Board for the compensation of Coalition employees;
- 3.3.1.11 Approve such expenditures made for official Coalition business, provided such expenditures are within the appropriations contained within the appropriate budget as adopted by the Coalition;
- 3.3.1.12 Act as the HIPAA Privacy Officer and the HIPAA Security Officer under the Health Insurance Portability and Accountability Act of 1996 and any federal regulations enacted thereunder and shall be responsible for complying with said Act and regulations.
- 3.3.1.13 Discharge any other duties specified by statute or designated by the Board.

### **3.4 Removal of the Coalition Executive Director**

- 3.4.1 The Coalition Executive Director serves at the pleasure of the Board. The Board may, at its pleasure, by a five-sixths vote, remove the Coalition Executive Director. When the Chair is performing the duties of the Coalition Executive Director, he may be removed by a four-sixths majority vote of the full Board, in which case he is also removed as Chair and the Board shall elect a new Chair who will take over the duties of the Coalition Executive Director. At times the Board designates Co-Chairs, the Co-Chairs shall coordinate and act in harmony when acting as the Coalition Executive Director.

### **3.5 Coalition Clerk**

- 3.5.1 The Board shall appoint a Coalition Clerk to attend to the Coalition's administrative and secretarial duties, including record keeping. The Coalition Clerk shall attend the

Board's meetings and keep a record of the proceedings of the Board as required by the Utah Open and Public Meetings Act. The Coalition Clerk shall act as the Records Officer for the Coalition. (U.C.A. § 63-2-103(18).) The Coalition Clerk shall also maintain the financial records of the Coalition in coordination with the Treasurer. Until such time as there is an employee of the Coalition who can act as the Coalition Clerk, the Board shall appoint one of the Boardmembers or an employee of a Member County to serve as the Coalition Clerk, but such individual shall not receive additional compensation from the Coalition above what the individual receives for their service to a Member County. The Coalition Clerk may not also be the Chair, or Executive Director, or the Treasurer. The Coalition Clerk shall prepare Board agendas and shall be responsible for posting all notices related to Coalition operations. Board agendas shall be prepared and provided to the Chair for review and approval ten (10) days prior to regular Board meetings. Board agendas, as approved, should be posted seven (7) days prior to regular Board meetings, but in all events within the requirements of the Utah Open and Public Meetings Act. Board agendas should be provided to all Boardmembers seven (7) days prior to Board meetings, along with all documents and information intended for review by or information of the Board. Only items approved by the Board Chair may be placed on the agenda. The Board may only take action on items that are on an agenda as provided by the Utah Open and Public Meetings Act. The Coalition Clerk shall be responsible for the posting of agendas and minutes as required by the Utah Open and Public Meetings Act.

### **3.6 Treasurer**

- 3.6.1 The Board shall appoint a Treasurer who shall be the custodian of the funds of the Coalition and to prepare and maintain financial records for the Coalition. Until such time as there is an employee of the Coalition who can act as Treasurer, the Board shall appoint one of the Boardmembers, or an employee of a Member County, to serve as Treasurer, but such individual shall not receive additional compensation from the Coalition above what the individual receives for their service to a Member County. The Treasurer may not be the Chair, the Executive Director or the Coalition Clerk.
- 3.6.2 In the event money is potentially appropriated by the Coalition in aid of a private enterprise, the Board shall require a study, provide notices, hold a public hearing and otherwise comply with U.C.A. § 17-50-303(4) as required for its Member Counties, such that the Coalition receives adequate value in return for the money appropriated, and so that the Coalition measures the net value received by the Coalition for money appropriated by the Coalition to a private entity on a project-by-project basis over the life of a project.

### **3.7 Fidelity Bonds**

- 3.7.1 The Board Chair, Coalition Executive Director, Coalition Clerk, Treasurer, and any other Boardmember or Officer responsible for the safekeeping or investment of public funds (U.C.A. § 51-7-3) shall obtain a position fidelity bond effective as of the date

each such official assumes office and issued by a corporate surety licensed to do business in Utah and having a current A.M. Best Rating of “A” or better (R628-4-2). The Coalition shall pay the premium of the surety bond. The coverage and amount shall be at least the minimum required by law (see R628-4, as amended or re-codified), by the courts, or by financing obligations of the Coalition. (U.C.A. § 51-7-15.)

### **3.8 Indemnification of Employees**

3.8.1 Boardmembers, officers, and employees of the Coalition shall be indemnified for acts and omissions occurring during the performance of their duties, within the scope of their employment or under color of authority pursuant to the provisions of the Utah Governmental Immunity Act.

### **3.9 Ethical Conduct**

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

3.9.2 The conduct of Coalition Boardmembers, officers and employees shall be consistent with, among other things and not by way of limitation, the Utah Public Officers’ and Employee’s Ethics Act (U.C.A. § 67-16-1, *et seq.*, as amended); Utah law prohibiting employment of relatives (U.C.A. § 52-3-1, *et seq.*, as amended), U.C.A. § 10-6-146; and U.C.A. §§ 76-8-105, 201, 202, 203 and 402. In addition to the foregoing statutes, a Boardmember, officer or employee who has or may have a conflict of interest, as identified in any of the foregoing statutes, shall be required to declare such conflict in writing submitted to the Chair, or in open and public meeting of the Board, and to recuse themselves from all discussion or consideration by staff or the Board of such matter(s).

3.9.3 The Board considers it a conflict of interest for a Boardmember, officer, or employee of the Coalition or of a Member County to leave their position and immediately accept employment with either the Coalition or a private company or enterprise conducting any business with the Coalition. The Coalition shall not do business with a private company or enterprise if it employs a Boardmember, officer or employee of the Coalition or of a Member County within 24 months after such individual leaves his or her position with the Coalition or a Member County, unless such person does not engage in any negotiations or work involving the Coalition. If a private company or enterprise doing business with the Coalition employs someone as proscribed in this paragraph 3.9.3, it shall be considered to be a breach of agreement and grounds for immediate termination of agreement for cause. An individual who contracts with the Coalition or a Member County for employment type services shall be treated as if an employee for purposes of this paragraph 3.9.3. The conflicts of interest in this paragraph 3.9.3 may be waived by a majority vote of the Board.

## **4 COALITION MEETINGS**

### **4.1 Types of Meetings**

- 4.1.1 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.
- 4.1.2 Special Meeting: Any meeting of the Board that replaces or is held in addition to a regular meeting.
- 4.1.3 Emergency Meeting: A special meeting held as a result of unforeseen circumstances to consider matters of an urgent or emergency nature.

### **4.2 Date and Location of Meetings**

- 4.2.1 The Boardmembers shall hold regular meetings monthly, and special meetings and emergency meetings as they shall deem necessary, to conduct the affairs and transact the business of the Coalition.
- 4.2.2 The regular meetings of the Board shall be held at such place and time as the Board shall by resolution appoint.

### **4.3 Public Notice of Meetings**

- 4.3.1 Annual Schedule: An annual schedule of the regular meetings of the Board shall be posted at all times in a conspicuous place at the Coalition's principal office and posted on the Utah Public Notice Website, and printed in a newspaper of general circulation in the Coalition. Initially, the Board designates the Carbon County administrative offices as the Coalition's principal place of business, with meetings of the Board to be held at the Carbon County Event Center at 310 S. Fairground Road, in Price, Utah.
- 4.3.2 Regular Meeting Notice: Notice of the date, time, place and agenda for each regular meeting shall be posted at the Coalition's principal office, posted on the Utah Public Notice Website, and sent (but not necessarily printed) in a newspaper of general circulation in the Coalition not less than 24 hours before the beginning of each meeting.
- 4.3.3 Special Meeting Notice: The notice described above in section 4.3.2 shall be given for special meetings; however, when unforeseen circumstances require an emergency meeting, such notice requirements may be disregarded and the best practicable notice given. An attempt shall be made to notify all member of the Board of such emergency meeting and a majority of the Board must approve holding such emergency meeting.

### **4.4 Conduct of Meetings**

- 4.4.1 If requested by a member of the Board, a meeting of the Board shall be conducted according to Robert's Rules of Order.
- 4.4.2 The Chair shall control the agenda. Any two or more members of the Board shall have the right to place any matter on the agenda, if a reasonable notice is given before the agenda is distributed. The meeting shall follow the agenda unless otherwise agreed. The Board may only take action on items on the agenda. The Board may not approve any action that is not on the agenda.
- 4.4.3 Any meeting of the Board may be called and held electronically provided such meeting is called in conformance with the Utah Open and Public Meetings Act found in Utah Code Annotated 1953, as amended, Title 52, Chapter 4, and consistent with the procedures set forth herein.
- 4.4.4 The location where the Board would normally meet if it was not holding an electronic meeting, currently is located at 310 S. Fairgrounds Rd, Price, UT 84501, and the phone number to arrange for electronic connection is (435) 636-3214, and the above address shall be the anchor location for all electronic meetings and the Board finds that such location proves space and facilities so that interested persons and the public may attend and monitor the open portions of the meeting, whether such meeting is a public hearing or otherwise.
- 4.4.5 A member of the Board may request an electronic meeting upon notice to the Board Chair and Coalition Clerk at least three (3) days prior to the meeting to allow for arrangements to be made for the electronic meeting. However, the Chair may waive the three day notification requirement.
- 4.4.6 To call an electronic meeting, public notice of such meeting must be given at least 24 hours before the meeting by (i) posting written notice at the anchor location; and (ii) providing written or electronic notice to (a) at least one newspaper of general circulation within the boundaries of the Coalition; (b) to a local media correspondent; (c) posted on the Utah Public Notice Website and (iii) providing notice of the electronic meeting to the members of the Board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and (iv) providing a description to the members of the Board of how the members will be connected to the electronic meeting.
- 4.4.7 If comments from the public will be accepted during the electronic meeting, the Coalition shall provide facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

## **4.5 Quorum**

4.5.1 Four or more Boardmembers shall be required to be present, in person or by electronic participation, to constitute a quorum. A minimum of four affirmative votes shall be required to approve any motion, resolution or action of the Board.

#### **4.6 Presumption of Assent**

4.6.1 A Boardmember who is present at a meeting of the Board at which action on any matter is taken is presumed to have assented to the action taken unless: (1) his dissenting vote is recorded in the minutes of the meeting at the time of the vote; or (2) he submits a written statement to the Chair or the Coalition Clerk before the adjournment of the meeting indicating his dissenting vote (in the event that he believes his dissenting vote may not have been correctly recorded in the minutes at the time of the vote). A Boardmember who voted in favor of the action may not later submit a written statement indicating a dissenting vote.

#### **4.7 Proxy**

4.7.1 A Member County may appoint or allow a substitute Boardmember selected by the regularly appointed Boardmember to sit and act in place of its regularly appointed Boardmember, if the regularly appointed Boardmember is unable to attend a Board meeting.

#### **4.8 Open and Closed Meetings; Actions Taken**

4.8.1 Open Meeting: All meetings of the Board, except closed meetings as defined below, shall be open to the public.

4.8.2 Closed Meetings:

4.8.2.1 Purposes of Closed Meetings. Closed meetings may be held:

4.8.2.1.1 To discuss the character, professional competence, or physical or mental health of an individual;

4.8.2.1.2 To discuss deployment of security personnel, devices or systems;

4.8.2.1.3 To investigate allegations of criminal misconduct;

4.8.2.1.4 As strategy sessions to discuss collective bargaining;

4.8.2.1.5 As strategy sessions to discuss threatened, pending or reasonably imminent litigation;

4.8.2.1.6 As strategy sessions to discuss the purchase/exchange/lease or real property if public discussion would disclose the valuations or would prevent the public body from getting the best possible terms; or

4.8.2.1.7 As strategy sessions to discuss the sale of real property if (a) public discussion would disclose the valuations or would prevent the public body from getting the best possible terms; (b) prior public notice has been given that the property would be offered for sale; and (c) the terms of the sale are publicly disclosed before the sale is approved.

4.8.2.2 Procedures for Calling a Closed Meeting;

4.8.2.2.1 The proposal for a closed meeting must be made in a properly noticed open meeting

4.8.2.2.2 A quorum must be present at the open meeting.

4.8.2.2.3 The proposal for a closed meeting must be approved by two-thirds of the members present.

4.8.2.2.4 The vote of each member on the proposal must be recorded in the minutes.

4.8.2.2.5 The general reason(s) for the proposed closed meeting must be recorded in the minutes (e.g., to discuss a land purchase).

4.8.2.3 Except as otherwise directed by the Board, participation in closed meetings shall be limited to the Board, the Executive Director, Coalition Clerk, and other invited Coalition staff.

4.8.2.4 No resolution, rule, regulation, contract, or appointment shall be approved in a closed meeting.

#### **4.9 Minutes of Meetings to be Kept by Coalition Clerk**

4.9.1 Open Meeting: An audio recording and written minutes shall be taken of all open meetings. The written minutes, once approved, shall signed by the Chair and the Coalition Clerk and shall become the official record of the meeting. Such minutes shall include:

4.9.1.1 the date, time, and place of the meeting;

4.9.1.2 the names of Boardmembers present and absent:

4.9.1.3 the names of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

4.9.1.4 the names of all citizens who appeared and the substance in brief of their testimony or statements;

4.9.1.5 any other information that any member of the Board requests be entered in the minutes.

4.9.2 Closed Meetings:

- 4.9.2.1 In closed meetings held to discuss the character, professional competence, or physical or mental health of an individual or to discuss deployment of security personnel, devices or systems, the presiding official in the closed meeting shall sign a sworn statement affirming that the sole purpose of the meeting was to discuss the character, professional competence, or physical or mental health of an individual or to discuss deployment of security personnel, devices or systems.
- 4.9.2.2 In all other closed meetings, an audio recording and written minutes shall be taken of the discussions.
- 4.9.2.3 The written minutes, once approved, shall signed by the Chair and the Coalition Clerk and shall become the official record of the meeting.

## **5 COALITION FINANCE**

### **5.1 Budget Officer**

5.1.1 The Finance Director, under the direction of the Executive Director shall function as the Budget Officer. The Finance Director is authorized to make expenditures in accordance with the budget and consistent with Generally Accepted Accounting Principles for:

5.1.1.1 Payroll;

5.1.1.2 Repetitive contractual obligations such as utility bills; and/or

5.1.1.3 All items approved by the Board in the annual budget or by specific Board action.

### **5.2 Preparation of Budget**

5.2.1 On or before the first regularly scheduled meeting of the Board in November of each year, the Budget Officer shall prepare for the ensuing fiscal year (on forms provided by the state auditor, if appropriate), and file with the Board, tentative budgets setting forth actual revenues and expenditures for the last completed fiscal year, estimated total revenues and expenditures for the current fiscal year; and the Budget Officer's estimates of revenues and expenditures for the budget year together with specific work programs and any other supporting data required by the Board. The budget and accounting for income and expenses shall be made in accordance with Generally Accepted Accounting Principles.

5.2.2 The tentative budgets shall be reviewed and considered by the Board at any regular meeting or any special meeting called for that purpose. The Board may make any changes considered advisable in the tentative budgets, pursuant to statute. At the meeting at which the tentative budget is adopted, the Board shall establish the time and place of a public hearing to consider its adoption and order that notice of the hearing be published once each week for two consecutive weeks in a newspaper of general circulation in the Coalition and posted on the Utah Public Notice Website at least 10 days prior to the public hearing and posted at the Coalition's principal office.

5.2.3 At the time and place advertised, or at any time or any place to which the public hearing may be adjourned, the Board shall hold a public hearing on the budgets tentatively adopted and give all interested persons in attendance an opportunity to be heard on the estimates of revenues and expenditures or any item in the tentative budget of any fund.

5.2.4 The Board shall adopt operating and capital budgets which shall be in effect for the budget year, subject to later amendment. The Budget Officer shall certify a copy of the final budget for each fund and file it with the state auditor within thirty days after

adoption. During the budget year, the Board may, in any regular meeting or special meeting called for that purpose, review the operating and/or capital budget for the purpose of determining if the total should be increased.

- 5.2.5 The budget may be reopened at any time during the fiscal year by properly noticing the meeting in accordance with statute.
- 5.2.6 The budget shall contain a Coalition contingency to pay for any unanticipated expenses or to cover budget line items over-runs. The Board may only use the contingency upon approval.
- 5.2.7 When a total line item appropriation is exceeded, the over-run may be covered by a transfer from another line item in the budget with the approval of the Finance Director and the Coalition Board.

### **5.3 Financial Reports**

- 5.3.1 The Executive Director with the assistance of the Treasurer or Finance Director, shall prepare, and present to the Board, quarterly or more frequent summary financial reports showing the financial position and operations of the Coalition for that quarter and the year-to-date status of the Coalition.
- 5.3.2 Within one hundred and twenty days after the close of each fiscal year, the Executive Director 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 Counties. This requirement may be satisfied by presentation of the appropriately prepared and reviewed report with the Board.

### **5.4 Independent Auditor**

- 5.4.1 When revenue or expenses of the Coalition shall exceed \$100,000, an independent auditor or certified public accountant has the responsibility of reporting whether the Coalition's financial statements are prepared in conformity with generally accepted accounting principles. Copies of the annual financial report or of the audit report furnished by the independent auditor shall be filed with the state auditor and shall be filed as a public document in the office of the Coalition. (U.C.A. § 51-2a-201.) Until an independent auditor is required, the Coalition may prepare and submit a fiscal report on forms provided by the state auditor.
- 5.4.2 The Executive Director, with the consent of the Board, shall select the Coalition's independent auditor.

### **5.5 Checks**

- 5.5.1 All checks shall be signed by two people whose signatures are on record at the banking institution of the Coalition. Initially two Boardmembers shall be signators. If non-

Boardmembers are appointed to act as Coalition Executive Director and/or Treasurer then the Coalition Executive Director and/or Treasurer may also be appointed by majority vote of the Board to be signators on checks. However, at least one signature on every check must be a Boardmember. Initially, the Chair (or Co-Chairs) is authorized to be a signator on checks.

**5.6 Fiscal Year**

5.6.1 The fiscal year of the Coalition shall be the calendar year.

## **6 PURCHASING**

### **6.1 Scope**

- 6.1.1 This chapter shall, except where otherwise noted, govern the acquisition of real or personal property, supplies or services, and disposal or property, whether real or personal, by the Coalition.
- 6.1.2 No purchase shall be made and no encumbrances shall be incurred for the benefit of the Coalition except as provided in this Chapter.
- 6.1.3 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 by a vote at a regular Board meeting.

### **6.2 Chief Procurement Officer**

- 6.2.1 Designation: The Executive Director shall act as and is herein designated to be the Chief Procurement Officer (CPO) of the Coalition with Board approval.
- 6.2.2 The Executive Director is hereby the authorized officer charged with the responsibility of staying within the budget and authorizing no expenditures in excess of said budget.

### **6.3 Purchasing and Contracting Procedures**

- 6.3.1 A purchase of goods and services for greater than \$5,000.00 requires the solicitation of price quotations from enough prospective vendors or suppliers to reasonably ensure that the Coalition received the best price. Such quotations in excess of \$5,000.00 shall be in writing.
- 6.3.2 Whenever the total service of a contract or purchase exceeds \$10,000 the contract shall be awarded through competitive bidding or proposal process.
- 6.3.3 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 CPO.
- 6.3.4 All purchases shall be reported to the Board for review at the next regular Board meeting.
- 6.3.5 Bond Construction Fund and Other Capital Fund Expenditures:
  - 6.3.5.1 Projects shall be submitted to the Board for authorization of funding.

- 6.3.5.2 Construction Change Orders of 5% or less or less than \$100,000, whichever is less, may be approved by the CPO and submitted to the Board for review at its next regular Board meeting.
- 6.3.5.3 Construction Change Orders exceeding 5% or more than \$100,000, whichever is less, shall be submitted to the Board for approval.
- 6.3.5.4 Upon completion of each project, a final summary of costs shall be submitted to the Board for review.
- 6.3.6 Other Expenditures or Fund Transfers: All other expenditures or fund transfers shall be submitted to the Board for review.
- 6.3.7 The Board may waive the above requirements at such time as the public good justifies such action and shall not be prohibited by the terms of this section from awarding contracts or purchase orders without advertisement or other solicitation if the item to be procured is a brand-name type product that can be procured from only one source. No contract or purchase order in excess of \$10,000.00 may be awarded for such brand-name type of product without the review of the Board.
- 6.3.8 An official copy of each awarded purchase order or contract, together with all necessary attachments, including assignments, shall be retained by the Executive Director in an appropriate file open to the public for such period of time after termination of the contract as an action against the Coalition might ensue under applicable statutes of limitations. After such period of time, purchase orders, contracts and attachments may be destroyed by the direction of the Executive Director.
- 6.3.9 Any contractor or vendor that has a familial relation with any Boardmember, officer or employee of the Coalition or of a Member County of grandparent, parent, child, grandchild, aunt, uncle, or first cousin shall declare such relationship in writing to the Board. The Board shall avoid procurement, contracts and business relationships with such family relations.

## **6.4 Emergency Procurements**

- 6.4.1 Notwithstanding any of the provisions of these rules and regulations, when there exists a threat to public health, welfare, or safety under emergency conditions, the CPO may make or authorize others to make emergency procurements; provided that emergency procurements shall be made with as much competition as practicable under the circumstances.
- 6.4.2 A written determination of the basis for the emergency and the selection of the particular contractor shall be included in the contract file.

## **6.5 Exceptions to Competitive Bidding**

- 6.5.1 Contracts which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill, where the ability of the fitness of the individual plays an important part, shall not require competitive bids.
- 6.5.2 Products for services currently defined and contracted for open purchase by the State of Utah shall not require competitive bids.

## **7 AUDIT COMPLIANCE**

### **7.1 Cash Management**

7.1.1 All funds are to be deposited on a daily basis where possible, or at least every three business days (U.C.A. § 51-4-2(2)).

### **7.2 Investments**

7.2.1 Investment transactions are to be conducted only with institutions authorized by the Utah Money Management Counsel (U.C.A. § 51-7-1, et seq).

7.2.2 Funds may not be invested for terms which exceed the anticipated rate of the expenditure of the funds. (U.C.A. § 51-7-11 (2)).

7.2.3 Funds may only be invested in instruments and assets authorized by the Money Management Act (U.C.A. § 51-7-11(3)).

7.2.4 All securities are to be delivered to an authorized safekeeping custodian within fifteen days of the transaction (U.C.A. § 51-7-7).

7.2.5 Selections of investments shall be made with the exercise of that degree of judgment and care which persons of prudence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety for their capital, as well as the probably benefits to be derived. (U.C.A. § 51-7-14).

7.2.6 All public funds invested in deposit instruments should be invested with qualified depositories within Utah, unless national market rates on instruments of similar quality and term significantly exceed those offered by qualified depositories within the state.

### **7.3 Public Debt**

7.3.1 The Coalition shall have the power to incur indebtedness, however, it shall contract no debt secured by property taxes as the Coalition has no power to impose or collect a property tax.

### **7.4 Other General Compliance**

7.4.1 **Abandoned Property:** Any tangible or intangible property which is presumed abandoned over one year will be submitted to the State Treasurer's Office. The annual abandoned property report (ST-2) will be filed regardless of whether or not the Coalition holds any abandoned property.

7.4.2 The Coalition shall provide, annually, its name, telephone number, and address to the telephone directory publishers serving the geographical area within the Coalition.

7.4.3 No Coalition Boardmember or officer or employee may employ, appoint, vote for, supervise, evaluate, or set the salary for a relative, when the salary, wages or compensation of that relative will be paid from public funds. (U.C.A.52-3-1). However, this does not preclude the Board from employing or appointing a relative of a Boardmember or officer or employee if that Boardmember or officer or employee abstains from participating in the employment, appointment, supervision, evaluation, and salary setting processes, and the Board makes a finding and determination that there are no other suitable candidates for such position and prepares a written explanation of why there are no such suitable candidates to include in the Coalition's files.

## **8**      **ENTERPRISE POLICIES**

### **8.1**      **General Policies**

- 8.1.1      When the Coalition obtains an interest in any enterprise or endeavor, the Board shall adopt standard operating procedures for such enterprise or endeavor consistent with best practices applicable thereto.

**9        RECORDS MANAGEMENT**

**9.1        General Purpose**

9.1.1        It is the Coalition’s policy to establish and implement guidelines for open government information recognizing the need to maintain and preserve accurate records, provide public access to public records and preserve the right of privacy of personal data collected or received by the Coalition.

**9.2        Coalition Policy**

9.2.1        In adopting this policy, the Coalition recognizes the enactment of Government Records Access and Management Act (U.C.A. § 63-2-101 *et seq.*) and the application of that Act to the Coalition records. The purpose of these policies is to conform to U.C.A § 63-2-701 which provides that each political subdivision may adopt an ordinance or a policy relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention and amendment of records. The intent of this policy is to provide modification to the general provision of State law, where allowed, to best meet the public needs, operation, management capabilities and resources of the Coalition.

**9.3        Compliance with State Law**

9.3.1        In adopting the policy, the Coalition recognized the following sections of the Government Records Access and Management Act (U.C.A. § 63-2-101, *et seq.*) applies to the Coalition and adopt by reference these provisions as part of this policy. Any inconsistency or conflict between this policy and the following reference statutes shall be governed by this statute.

9.3.1.1    General Provisions

- § 63-2-101        Short title
- § 63-2-102        Legislative intent
- § 63-2-103        Definitions
- § 63-2-104        Administrative Procedure Act not applicable
- § 63-2-105        Confidentiality agreements

9.3.1.2    Access to Records

- 63-2-201        Right to inspect records and receive copies of records
- § 63-2-202        Access to private, controlled and protected documents
- § 63-2-205        Denials
- § 63-2-206        Sharing records

- 9.3.1.3 Classification
  - § 63-2-301 Records that must be disclosed
  - § 63-2-302 Private records
  - § 63-2-303 Controlled records
  - § 63-2-304 Protected records
  - § 63-2-306 Procedure to determine classification
  - § 63-2-307 Segregation of records
  - § 63-2-308 Business confidentiality claims
  
- 9.3.1.4 Accuracy of Records
  - § 63-2-601 Rights of individuals on whom data is maintained
  - § 63-2-602 Disclosure to subject of records – Context of use
  - § 63-2-603 Request to amend
  
- 9.3.1.5 Applicability to Political Subdivisions
  - § 63-2-701 Ordinance in compliance with chapter
  
- 9.3.1.6 Remedies
  - § 63-2-801 Criminal penalties
  - § 63-2-802 Injunction – Attorneys’ Fees
  - § 63-2-803 No liability for certain decisions of governmental entities
  - § 63-2-804 Disciplinary action
  
- 9.3.1.7 Archives and Records Service
  - § 63-2-904 Records declared property of the State – Disposition
  - § 63-2-907 Right to replevin
  
- 9.3.1.8 Other
  - § 63-30-10.6 Attorneys’ fees for records request

## **9.4 Definitions**

- 9.4.1 As used in this ordinance, the following definitions shall be applicable.
  - 9.4.1.1 “Act” shall refer to Government Records Access and Management Act (U.C.A. § 63-2-1, *et seq.*)
  - 9.4.1.2 “Coalition” shall refer to the Six County Infrastructure Coalition, Utah or any public or private entity which pursuant to contract with the Coalition has agreed to produce and maintain public Coalition records.
  - 9.4.1.3 “Computer software program” means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material explaining how to operate the software program.

“Software” does not include the original data or record which is manipulated by the software.

9.4.1.4 “Controlled” records shall be those defined as controlled under the provisions of the Act.

9.4.1.5 “Data” shall refer to individual entries (for example, birth date, address, etc.) in records.

9.4.1.6 “Dispose” means to destroy, or render irretrievable or illegible, a record of the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing or other records.

9.4.1.7 “Non-public” records shall refer to those records defined as private, controlled, or protected under the provisions of the Act.

9.4.1.8 “Private” records shall refer to those records classified as private under provisions of the Act.

9.4.1.9 “Protected” records shall refer to those records which have not been classified as non-public in accordance with the provisions of the Act.

9.4.1.10 “Record” means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received or retained by the Coalition where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

9.4.1.11 “Record” does not mean temporary drafts of similar materials prepared for the originator’s personal use or prepared by the originator for the personal use of a person for whom he is working; materials that are legally owned by an individual in his private capacity; materials to which access is limited by the laws of copyrights or patent; junk mail or commercial publications received by the Coalition or by an officer or employee of the Coalition; proprietary computer software programs as defined in subsection 9.4.1.3 above that are developed or purchased by or for the Coalition for its own use.

## **9.5 Public Right to Records**

9.5.1 Members of the public shall have to right to see, review, examine and take copies, in any format maintained by the Coalition, of all Coalition governmental records defined as “public” under the provisions of this Policy, upon the payment of the lawful fee and pursuant to the provisions of this Policy and the Act.

9.5.2 The Coalition has no obligation to create a record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept;

9.5.3 When a record is temporarily held by a custodial Coalition agency; pursuant to that custodial agency's statutory functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this Policy. The record shall be considered a record of the Coalition and any requests for access to such records shall be direct to the Coalition, rather than the custodial agency, pursuant to these procedures.

## **9.6 Public, Private, Controlled, and Protected Records**

9.6.1 Public records shall be those Coalition records as defined in the Act. Public records shall be made available to any person. All Coalition records are considered public unless they are (1) expressly designated, classified, or defined otherwise by the Coalition in accordance with policies and procedures established by this Policy, (2) are so designated, classified or defined by the Act, or (3) are made non-public by other applicable law.

9.6.2 Private records shall be those Coalition records classified as "private", as defined in the Act and as designated classified, or defined in procedures established pursuant to this Policy. Private records shall be made available to the following persons: The subject of the record, the parent or legal guardian of a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has power of attorney or a notarized release form the subject of the record of his legal representative, or any person possessed of or serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

9.6.3 Controlled records shall be those Coalition records classified as "controlled" as defined in the Act and as designated, classified, defined in procedures established in this Policy. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release form the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

9.6.4 Protected records shall be those Coalition records classified as "protected", as defined in the Act and as designated, classified or defined in procedures established in this Policy. Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge or competent jurisdiction.

## **9.7 Privacy Rights**

9.7.1 The Coalition recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records.

- 9.7.2 The Coalition may, as determined appropriate by the Executive Director, notify the subject of a record that a request for access to the subject's record has been made.
- 9.7.3 The Coalition may require that the requester of records provide a written release, notarized within thirty days before the request, from the subject of the records in question before access to such records is provided.

## **9.8 Designation, Classification and Retention**

- 9.8.1 All Coalition records and record series, of any format, shall be designated, classified and schedule for retention according to the provisions of the Act and this Policy. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation classification and scheduling for retention shall be conducted under the supervision of the Coalition Records Officer.

## **9.9 Procedures for Records Request**

- 9.9.1 Under circumstances in which the Coalition is not able to immediately respond to a records request, the requester shall fill out and present to the Coalition a written request on forms provided by the Coalition. The date and time of the request shall be noted on the written request form and all time frames provided under this Policy shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and their status prior to receiving access to non-public records.
- 9.9.2 The Coalition may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by the Board.
- 9.9.2.1 In most circumstances and expecting those eventualities set out below, the Coalition shall respond to a written request for a public record within ten business days after that request.
- 9.9.2.2 Extraordinary circumstances shall justify the Coalition's failure to respond to a written request for a public record within ten business days and shall extend the time for response thereto that time reasonably necessary to respond to the request, as determined by the Coalition Executive Director. Extraordinary circumstances shall include but not be limited to the following:
- 9.9.2.2.1 Some other governmental entity is currently and actively using the record;
- 9.9.2.2.2 The record requested is for either a voluminous quantity of records or requires the Coalition to review a large number of records or perform extensive research to locate the materials requested;

- 9.9.2.2.3 The Coalition is currently processing either a large number of record requests and/or is subject to extraordinary seasonal work loads in the processing of other work;
- 9.9.2.2.4 The request involves an analysis of legal issues to determine the proper response to the request;
- 9.9.2.2.5 The request involves extensive editing to separate public data in a record from that which is not public; or
- 9.9.2.2.6 Providing the information request required compute programming or other format manipulation.
- 9.9.2.3 When a record request cannot be responded to within the ten day period, the Coalition Executive Director shall give the requester an estimate of the time required to respond to the request.
- 9.9.3 The failure or inability of the Coalition to respond to a request for a record within the time frames set out herein, or the Coalition's denial of such a request, shall give the requester the right to appeal as provided in subsection 9.11

**9.10 Fees**

- 9.10.1 Applicable fees for processing of information requests under this Policy shall generally be set at actual costs or as otherwise established by policies adopted under this Policy. The Coalition will charge the following fees for requests relating to the Act
  - 9.10.1.1 Reviewing a record to determine whether it is subject to disclosure - No Charge
  - 9.10.1.2 Inspection of record by requesting person . . . . . No Charge
  - 9.10.1.3 Compilation Fees . . . . . \$25 per hour
  - 9.10.1.4 Copy Fees . . . . . \$0.35/page  
(for Coalition prepared copies)
  - 9.10.1.5 Computer Disk . . . . . Actual Cost  
(including overhead and time of Coalition staff in preparation of information request, with a minimum of \$5.00)
  - 9.10.1.6 Other Forms including Maps . . . . . Actual Cost  
(including overhead and time of Coalition staff or outside consultant in preparation of information request, with a minimum of \$1.00 per page)
  - 9.10.1.7 Miscellaneous Fees . . . . . Actual Cost  
(same as 9.10.1.5 above)

## **9.11 Appeal Process**

- 9.11.1 Any person aggrieved by the Coalition's denial or claim of extraordinary circumstances as determined by the Coalition Clerk may appeal the determination within thirty days after notice of the Coalition's action to the Coalition Executive Director by filing a written notice of appeal. The notice of appeal shall contain the petitioner's name, address, phone number, relief sought and if petitioner desires, a short statement of the facts, reasons and legal authority for the appeal.
- 9.11.2 If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the Coalition Executive Director may send a notice of the requester's appeal to the affected person.
- 9.11.3 The Coalition Executive Director shall make a determination on the appeal within five days after receipt of the appeal. During the thirty day period, the Coalition Executive Director may schedule an informal hearing or request any additional information deemed necessary to make a determination. The Coalition Executive Director shall send written notice to all participants providing the reasons for the Coalition Executive Director's determination.
- 9.11.4 In addition, if the Coalition Executive Director affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the Coalition's Board within thirty days at the next scheduled meeting.
- 9.11.5 The person may file a written notice of appeal to the Board to be heard at the next scheduled meeting of the Board. If there is no meeting scheduled in the next thirty days the Board shall schedule a meeting for the purpose of hearing the appeal. The final decision of the Board shall be by majority vote of a quorum of the Board. The Board shall prepare a written decision outlining their final determination and reasons for the final determination.
- 9.11.6 If the Board affirms the denial, in whole or in part, the person may petition for judicial review in Coalition court as provided in U.C.A. § 63-2-404.

## **9.12 Reasonable Accommodation**

- 9.12.1 Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with the Americans with Disabilities Act upon request of the applicant.

## **9.13 Records Amendments**

- 9.13.1 Government records held by the Coalition may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the Coalition having custody of the records and setting forth, with specificity, the amendment or correction requested. When an amendment or correction of a

government record is made, only the amended or corrected record shall be retained, unless provided otherwise by the Act or other State or Federal law.

#### **9.14 Penalties**

- 9.14.1 Coalition employees who knowingly refuse to permit access to records in accordance with the Act and this Policy, who knowingly permit access to non-public records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of the Act, this Policy or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.
- 9.14.2 In accordance with the Act, neither the Coalition nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

#### **9.15 Records Officer**

- 9.15.1 The Coalition Chief Administrative Officer shall be the Coalition Executive Director.
- 9.15.2 The Coalition Records Officer shall be the Coalition Clerk. The Records Officer shall oversee and coordinate records access, management and archives activities. The Records Officer shall make annual reports of records services activities to the Board.

#### **9.16 Records Maintenance**

- 9.16.1 Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve Coalition records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication and disposal of Coalition records. He/she shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records.
- 9.16.2 All Coalition records shall remain the property of the Coalition unless federal or state legal authority provides otherwise. Property rights to Coalition records may not be permanently transferred from the Coalition to any private individual or entity, including those legally disposable obsolete Coalition records. This prohibition does not include the providing of copies of Coalition records produced for release or distribution under this chapter.

9.16.3 Custodians of any Coalition records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or the Coalition Records Officer.

**9.17 Series Classifications**

9.17.1 [To be determined at later date by resolution.]

9.17.2

9.17.3 **4818-8130-4096, v. 1**