

Chapter 38

TIMBERLINE SPECIAL SERVICE DISTRICT

2-38-1: PURPOSE:

To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of the Timberline special service district, the district is authorized to provide transportation and snow removal services. (Ord. 749-A, 12-15-2010)

2-38-2: DEFINITIONS:

BOARD: The Timberline special service district administrative control board.

BOARD MEMBER: The members of the Timberline special service district administrative control board.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The Summit County council who exercises legislative authority in the county.

DISTRICT: The Timberline special service district.

GOVERNING BOARD: The Summit County council, otherwise referred to as the "county council". (Ord. 749-A, 12-15-2010)

2-38-3: ESTABLISHED:

There is hereby established an administrative control board known as "Timberline special service district administrative control board", which shall govern, in accordance with state law, the affairs of the Timberline special service district. (Ord. 749-A, 12-15-2010)

2-38-4: MEMBERSHIP:

The membership of the administrative control board of the district shall consist of no more than seven (7) persons and no fewer than five (5) persons, all of whom shall be appointed by the county council pursuant to the procedures set forth in Utah Code Annotated section 17B-1-301 et seq., "board of trustees", each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms.

Vacancies of the five (5) to seven (7) appointed members of said board, other than by expiration of term, shall be filled by appointment by the governing board for the unexpired term of the board member whose vacancy is filled. At the end of a board member's term, the position is considered vacant and the county council may either reappoint the old board member or appoint a new member after following the appointment procedures under Utah law. The county council may remove any board

member for cause at any time after a hearing by two-thirds ($\frac{2}{3}$) vote of the county council. (Ord. 749-A, 12-15-2010)

2-38-5: POWERS AND DUTIES:

- A. The board shall exercise all powers and duties enumerated in Utah Code Annotated section 17D-1-103, with the following exceptions which are expressly reserved pursuant to Utah Code Annotated section 17D-1-301(4)(a) by the county council as the governing board:
1. The exercise of eminent domain¹;
 2. The power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the county²;
 3. The power to borrow money and incur indebtedness, including the issuance of bonds³;
 4. The power to annex areas into the district⁴;
 5. The power to levy a tax or assessment⁵;
 6. The power to appoint a board of equalization⁶; and
 7. The power to adopt bylaws.
- B. The board shall prepare an annual budget for the Timberline special service district which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and approve it. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget.
- C. The board shall conduct its business according to bylaws, which shall be adopted by the county council, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the county council.
- D. The board shall elect a chairman and vice chairman.
- E. For purposes of advising the county council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the county council verbally or in writing, make decisions regarding district matters, or it may meet with the county council.
- F. The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in

or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this subsection may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this subsection. The district shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this subsection shall continue as to any person who has ceased to be a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person.

- G. The district shall have power to purchase and maintain insurance on behalf of any person who is a director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this section, or under law.
- H. The county council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.
- I. Meetings shall comply with all requirements of state law, to include the Utah open and public meetings act.
- J. The district shall make an annual presentation to the county council of its goals, budget and activities. (Ord. 749-A, 12-15-2010)