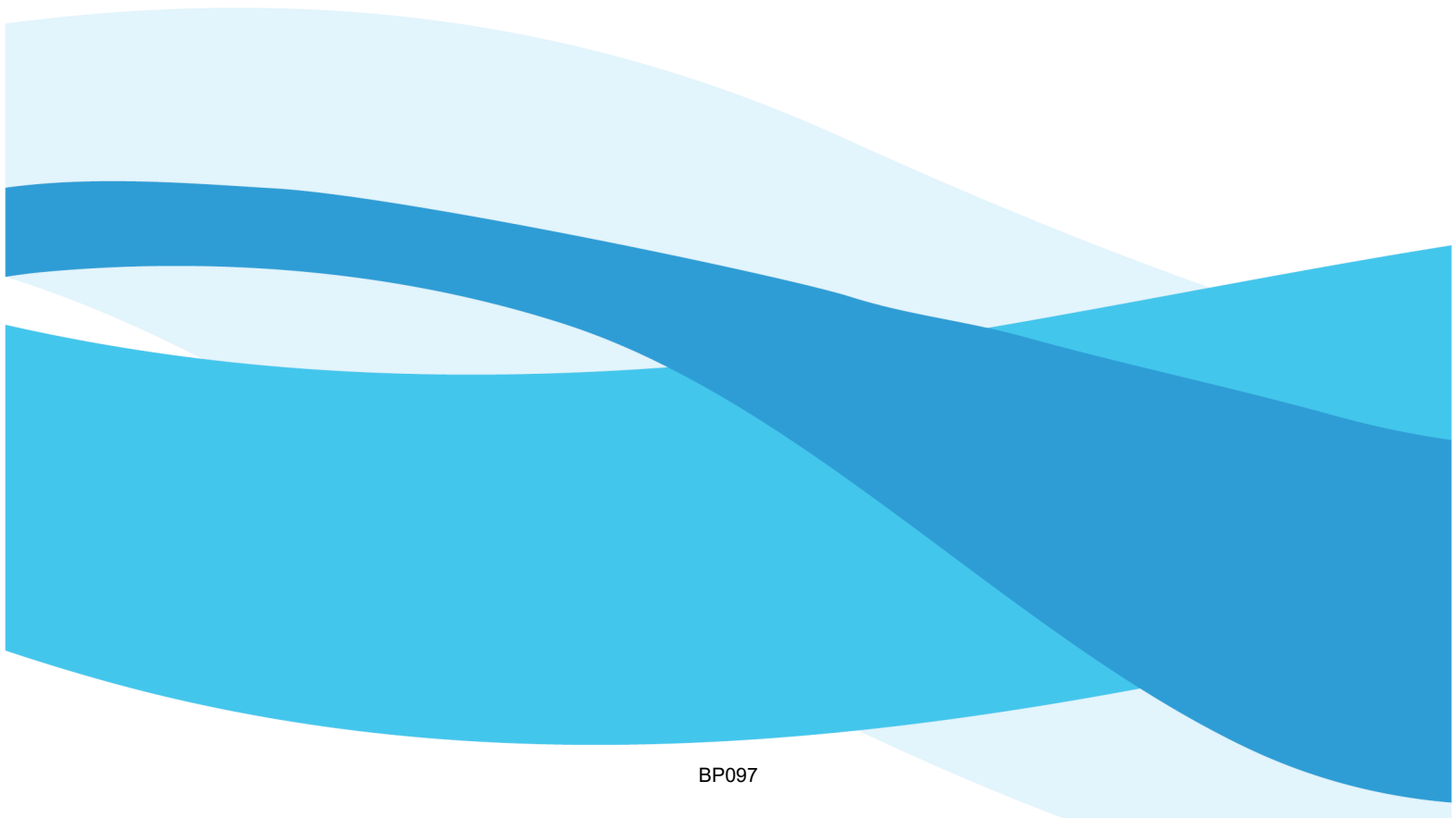


Tab 3

Consider approval of changes to the Policies and Procedures Manual





Consider approval of changes to Policies and Procedures Manual

Background: This periodic review usually takes place in May of each year after the Utah legislative session and the resulting implementation of any new laws affecting District policy. This review is conducted by staff and legal counsel. The substantive changes are summarized below:

Proposed changes to Chapter 1 - Trustees

- Section 1-6: The District's current crime policy includes the bond insurance coverage requirements
- Section 1-14: Proposing language to assign the lease of surplus water to the Environmental Committee for consideration and recommendation to the board

Proposed changes in Chapter 3 – Fiscal and Budget

- Reference to the Uniform Accounting Manual for Local Governments was changed to Uniform Accounting Manual for Special Districts
- Section headers were updated to match Utah Code Ann. Title 17B, Chapter 1, Part 6
- The budget officer was defined as the General Manager
- Self-Insurance/Contingency reserves was updated to "Insurance/Contingency Reserves." In a previous audit, the name for this reserves account was updated
- Storage Aquifer and Recovery was renamed to Managed Aquifer Recharge which aligns with the current project

Proposed changes in Chapter 6 – Procurement Regulations

- Section 6-506: Consider increasing the small purchase threshold from \$50,000 to \$75,000 due to the rising cost of items
- Section 6-1207: Consider updates to the processing and approval of change orders

Proposed changes in Chapter 7 – Property

- Section 7-1: Consider assigning the purchase and surplus of vehicles to the Finance Committee, instead of the MAC

Proposed changes in Chapter 9 – Records Policies and Procedures

- Section 9-4: Consider assigning the handling and processing of records to the Records Officer instead of the Clerk

Proposed changes in Chapter 10 – Personnel Policies

- Section 10-11: Clarifying that vacation and sick leave will not accrue while on unpaid leave
- Section 10-20: Legal updates to the Reasonable Accommodations for Pregnant Workers
- Section 10-25: The District has allowed the hiring of relatives and is in compliance with Utah's nepotism code. However, the propose change considers not allowing the hiring of relatives
- Section 10-30: Additional language to address health savings account contributions for employees who will be enrolling in Medicare

Proposed changes to Chapter 11 – Vehicles and Travel

- Proposed minor changes to the policy for clarification and readability

Proposed changes to Chapter 12 – Safety Policy Statement

- Proposed language to clarify the make-up of the Safety Team and its purpose

Proposed changes to Chapter 16 – Safety Policy Statement

Primary revisions include

- Broadening the chapter to include all Metro Water land, not just those associated with aqueducts;
- Incorporating a list of non-corridor lands that was previously a separate document;



- Clarified purposes and reasoning to not permit certain uses; and
- Organizing uses into tables and into three categories: permitted, may be permitted with conditions, and not permitted

Committee Activity

The Finance Committee reviewed the proposed updates to Chapter 3 on May 21, 2025. The Management Advisory Committee met on June 3, 2025 and reviewed the proposed changes to the P&P, other than Chapters 3, 4, 5, and 16, respectively. The Engineering Committee also met on June 3rd and reviewed the proposed changes to Chapter 16. All committees recommended approval by the full board.

Recommendation

Recommend approval of proposed changes to Policies and Procedures Manual.

Attachment

P&P changes to chapters 1, 3, 6, 7, 9, 10, 11, 12, and 16 (redlined)

Last Update: June 6, 2025

POLICIES AND PROCEDURES MANUAL PREFACE

Deleted: PREFACE¶

Certain provisions of this Chapter of the Policies and Procedures Manual (“P&P”) of the Metropolitan Water District of Salt Lake & Sandy (“District”) are mandated by statute, specific document signed or adopted as a part of the annexation of Sandy City into the District, contract, or bond document. In most such instances specific statutes, annexation documents, contracts, and bond documents are referenced. Except as mandated by applicable statute, annexation document, contract, or bond document, P&P Sections are subject to change by the Board of Trustees of the District (“Board”) without notice. Except as otherwise stated, or otherwise dictated by applicable law, these Sections contain “policies and procedures” which are mandatory directives of the Board to be followed by the Trustees and staff absent a different directive or approval of the Board. Absent sufficiently exigent circumstances, such different directive or approval of the Board should precede action which varies from these Sections.

Occasionally the Board may adopt “regulations” pursuant to authority granted by Utah Code Ann. §§ 17B-1-103, 17B-1-301(2)(i) that have the force and effect of law, and may be applicable to the activities of persons or entities who are not Trustees or staff. Occasionally these P&P Sections are stated in terms of “goals,” “objectives” or “guidelines,” that give the Trustees and staff general direction, but do not mandate particular end results or particular procedures. Except as otherwise stated, or as otherwise provided by applicable law, these Sections are not intended to create any claim or cause of action, set any standard of care applicable to any claim or cause of action, nor provide any evidence of standard of care for the purposes of any claim or cause of action.

The District’s General Manager (“GM”) is authorized to make non-substantive grammatical and format changes to the P&P. Utah Code Ann. Title 17B applies to Special Districts. Some parts of Title 17B apply only to specific kinds of Special Districts. For example, the Metropolitan Water District Act (“MWD Act”) is Part 6 of Chap. 2a of Title 17B, and that Part applies only to Metropolitan Water Districts. If there is a conflict between the MWD Act provisions and other Special District provisions, the MWD Act provisions take priority. Utah Code Ann. § 17B-2a-602(4).

CHAPTER 1 TRUSTEES

Last Updated: June 16, 2025

Deleted: 17

Deleted: 4

1-1 NUMBER

- 1) Utah Code Ann., Title 17B, Chap. 1, Part 3 deals with Trustees. Utah Code Ann. § 17B-1-302 allows the Board to set the number of Trustees at an odd number of no less than 3 by a 2/3 vote. No change in the number of Trustees may shorten any Trustee's term. Section 604 of the MWD Act, Utah Code Ann. § 17B-2a-604(2), allows the District to determine the number of Trustees appointed by member cities by agreement with member cities, subject to Utah Code Ann. § 17B-1-302(8) (requiring an odd number of Trustees and at least three Trustees on the Board). Pursuant to Paragraph 8 of District Resolution 1633, adopted as part of the annexation of Sandy City into the District, and approved by and relied upon by the District's member cities, the total number of Trustees shall be 7. Five Trustees are appointed by the Salt Lake City Council and 2 Trustees are appointed by the Sandy City Council. No change in the number of Trustees appointed by each member city of the District should be made without the written consent of both cities, and an amendment of District Resolution 1633.

1-2 APPOINTMENT, REMOVAL FOR CAUSE

- 1) Section 604 of the MWD Act, Utah Code Ann. § 17B-2a-604, allows for an elected board or gives city councils the power to appoint Trustees. The District's Board of Trustees has determined that it is in the best interests of the District for Trustees to be appointed. Utah Code Ann. § 17B-1-304 describes the procedures for selection and appointment of Trustees. Appointment must be by resolution after specific public notice of vacancy, qualifications, person to be contacted and deadlines for application, and after a public hearing. The appointment may not be made sooner than 2 months after the appointing city is notified of the vacancy. Pursuant to Utah Code Ann. § 17B-1-304(4) Trustees may be removed for cause after hearing by a 2/3 vote of the appointing city council.

1-3 QUALIFICATIONS, TRAINING

- 1) Utah Code Ann. § 17B-2a-~~302(1)~~ requires Trustees to be registered voters and residents of the boundaries of the District. Utah Code Ann. § 17B-1-303(2)(c) provides that if a Trustee no longer meets the requirements of Utah Code Ann. § 17B-1-302(1) through -(7), the position is considered vacant, but the Trustee may continue to serve until a successor is duly appointed and qualified. Section 604 of the MWD Act, Utah Code Ann. § 17B-2a-604(4), requires that Trustees be registered voters, property taxpayers, and residents of the retail service area of the appointing city. Appointed officers and employees of an appointing city may not serve as Trustees, and such appointment or employment shall be considered grounds for immediate disqualification (see Utah Code Ann. § 17B-2a-604(5)(a)). In such an instance, the Trustee shall immediately forfeit their seat, and the position shall remain vacant until filled under Utah

Deleted: 604

Deleted: 4

Deleted: these

Code Ann. § 17B-1-304 (see Utah Code Ann. § 17B-2a-604(5)(b)). Utah Code Ann. § 17B-1-312 requires that each Trustee receive training, per the curriculum developed by the state auditor in conjunction with the Utah Association of Special Districts, within 1 year of taking office, which includes reappointment to a new term. The failure of a Trustee to comply with this requirement does not disqualify that Trustee to act in any respect. Utah Code Ann. § 52-4-104 requires the presiding officer of the public body to ensure that the members of the public body are provided with annual training on the requirements of the Utah Open and Public Meetings Act, Utah Code Ann., Title 52, Chap. 4 (“Open Meetings Act”).

1-4 TERM

- 1) Utah Code Ann. § 17B-1-304(4) sets Trustee terms at 4 years. Utah Code Ann. § 17B-1-303(2)(c)(ii) allows Trustees who move from the District or who are no longer registered to vote to serve until a successor is duly appointed and qualified. Trustees are not limited in the number of terms they may serve, however, the appointing city councils are free to adopt policies regarding term limits.

1-5 OATH

- 1) Utah Code Ann. § 17B-1-303(3) requires Trustees to take the oath of office contained in Article IV, Section 10 of the Utah Constitution before entering upon the duties of office. Failure to take the oath does not invalidate any official act of a Trustee. Article IV, Section 10 of the Utah Constitution states:
 - a) All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe 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.”

1-6 CRIME INSURANCE

- 1) Utah Code Ann. § 17B-1-303(7) requires Trustees to obtain crime insurance in relation to performance of a Trustee’s duties, in an amount set by the Board, at District cost. Unless otherwise directed by the Board, the District intends to meet this Trustee crime insurance requirement by maintaining an employee dishonesty insurance policy, with an endorsement for crime insurance in relation to the performance of Trustees’ duties. Absence of the employee dishonesty insurance policy or Trustee endorsement does not invalidate any official act of any Trustee. As described in P&P Section 1-14(1)(d)(ii), the Finance Committee should periodically review the employee dishonesty insurance policy and Trustee crime insurance endorsement, and make appropriate recommendations to the Board.

Commented [AM1]: 2025 Amendment to 17B-1-303(7)(a)

Deleted: BOND

Deleted: give a bond for the faithful performance of their duties

Deleted: and with the sureties prescribed

Deleted: bond

Deleted: covering the faithful

1-7 CONFLICTS OF INTEREST

- d) employ employees and agents, or delegate to District officers the power to employ employees and agents for the operation of the District and its properties, and prescribe or delegate to District officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;
- e) require District officers and employees charged with the handling of District funds to ~~obtain crime insurance~~ in an amount set by the Board;
- f) contract for or employ professionals to perform work or services for the District that cannot satisfactorily be performed by the officers or employees of the District;
- g) through counsel, prosecute on behalf of the District or defend the District in all court actions or other proceedings in which the District is a party or is otherwise involved;
- h) adopt bylaws for the orderly functioning of the Board;
- i) adopt and enforce rules and regulations for the orderly operation of the District and for carrying out the purposes for which the District was created;
- j) prescribe a system of civil service for District employees;
- k) on behalf of the District, enter into contracts that the Board considers to be for the benefit of the District;
- l) acquire, construct or cause to be constructed, operate, occupy, control, and use buildings, works, or other facilities for carrying out the purposes of the District;
- m) on behalf of the District, acquire, use, hold, manage, occupy and possess property necessary to carry out the purposes of the District, dispose of property when the Board considers it appropriate, and institute and maintain in the name of the District any action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated with District property;
- n) delegate to a District officer; and
- o) exercise all powers and perform all functions in the operation of the District and its properties as are ordinarily exercised by the governing body of a political subdivision of the state and as are necessary to accomplish the purposes of the District.

Commented [AM2]: 2025 Amendment to 17B-1-301(2)(e)

Deleted: provide surety bonds

Deleted: or to provide a blanket surety bond to cover all of those officers and employees

1-10 QUORUM

- 1) Except as otherwise expressly required by applicable statute, District regulation, or District policy, 4 Trustees shall constitute a quorum. To be counted as part of a quorum, trustees attending electronically must be identified as present and have the means to hear and be heard.

Any action of the Board shall require the affirmative vote of at least 4 Trustees. As described in P&P Section 1-11(8), and Utah Code Ann. § 52-4-204(1)(a), a motion to move into closed meeting requires a 2/3 vote (4 of 4, 4 of 5, 4 of 6, 5 of 7) during an open meeting for which 24-hour notice was given.

Deleted: b

1-11 MEETINGS

- 1) Open and Public Meetings Act. All Board meetings, including workshops, retreats and executive sessions, must comply with the Open Meetings Act, Utah Code Ann., Title 52, Chap. 4. This section is to be interpreted in a manner consistent with the Open Meetings Act.
- 2) Definitions. The definitions contained in the Open Meetings Act are applicable to this section.
- 3) Annual Meeting Schedule. At or near the beginning of the calendar year, the Board will establish a regular meeting schedule, including date, time and place. The schedule may be modified with appropriate notice.
- 4) Notice. Except in emergencies, the District will give not less than 24-hour notice to the Trustees and the public of any Board meeting, including agenda, date, time and place. Meetings to discuss certain matters require more than 24-hour notice. Examples include the following:
 - a) As described in P&P Section 3-630, and Utah Code Ann. § 17B-1-630, a meeting called to consider a resolution to increase appropriations for operating or capital budget funds requires at least 5-day notice to all Trustees. This notice requirement may be waived in writing or orally at the meeting by any Trustee.
 - b) As described in P&P Section 3-629, and Utah Code Ann. §§ 17B-1-629 and 17B-1-609(1)(b), a public hearing to consider the budget requires posting of notice at least 7 days before the hearing.
 - c) Utah Code Ann. § 59-2-919 requires a very particular form of notice published once a week for 2 consecutive weeks prior to a hearing to consider a tax levy.
 - d) As described in Utah Code Ann. § 11-14a-1, any new debt resolution must be adopted only after a very particular form of notice is given before adoption of the new debt resolution.
 - e) A public hearing to consider annexation may, under some circumstances, require particular notice described in Utah Code Ann. § 17B-1-410.
 - f) A public hearing to consider withdrawal of property from the District may, under some circumstances, require particular notice described in Utah Code Ann. § 17B-1-509.
- 5) Methods of Providing Meeting Notice. Notice of meetings, including agenda, date, time and place, will be available to the public at the District offices, will be posted on the Utah Public

Deleted: i

Notice Website, and will be posted to the District's web page. Reasonable efforts will also be made to provide notice to the member cities in a manner requested by the member cities.

- 6) Emergency Meetings. Meetings to consider matters of an emergency or urgent nature include meetings held for the purposes of addressing circumstances that may pose an imminent and substantial risk of material pecuniary or physical loss or inconvenience to the District, its employees, its member cities, or the public. When because of unforeseen circumstances it is necessary to consider matters of an emergency or urgent nature, Board meetings may be held only if:
 - a) the best practicable notice of the time and place of the meeting and the topics to be considered has been given;
 - b) an attempt has been made to notify all Trustees; and
 - c) a majority of the Trustees approves holding the meeting.
- 7) Agenda. District staff, under the direction of the Chair, will prepare an agenda for Board meetings. Any item timely requested by any Trustee will be placed on the agenda. Except in an emergency meeting, the Board may not take final action on a topic unless that topic is listed under an agenda item and included with the advance public notice required by this section. At the discretion of the presiding member of the Board, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.
- 8) Closed Meetings. Closure of a meeting requires at least a 2/3 vote of Trustees present at an open meeting where a quorum is present, and for which the required notice has been given (4 of 4, 4 of 5, 4 of 6, 5 of 7). In addition, P&P Section 1-10 requires a minimum affirmative vote of 4 Trustees for any matter. The reason or reasons for holding a closed meeting, the location of the closed meeting, and the vote cast regarding closure by each Trustee, shall be entered in the minutes and record of the open meeting at which the closed meeting was approved. It is the Board's practice, but not a requirement, to seek advice from General Counsel that the purpose for closing the meeting is appropriate under the Open Meetings Act, [Utah Code Ann., Title 52, Chap. 4](#). Such advice should be noted on the minutes and record of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a closed meeting. This does not prohibit other actions to be taken by the Board. Meetings may be closed only for the following reasons:
 - a) discussion of the character, professional competence, or physical or mental health of an individual;
 - b) strategy sessions to discuss collective bargaining;
 - c) strategy sessions to discuss pending or reasonably imminent litigation;

District's shares of Provo River Water Users Association ("PRWUA") stock, in a manner consistent with the PRWUA Articles of Incorporation and Bylaws;

- iii) Recommend action to the Board regarding the written appointment of a proxy for the voting of any other shares of stock held by the District;
- iv) Recommend action to the Board regarding per diem Trustee compensation and Trustee travel expenses as described in P&P Section 1- 8(2);
- v) Pursuant to Utah Code Ann. Title 63A, Chap. 15, serve as the ethics review commission for the District and recommend any action to the Board regarding ethics complaints;
- vi) Recommend action to the Board regarding governmental lobbying and public relations activities; and
- vii) Serve as the independent personnel board, or designate persons to serve as the independent personnel board, when complaints and grievances are filed pursuant to the Utah Protection of Public Employees Act, Utah Code Ann., Title 67, Chap. 21.

b) The Management Advisory Committee will:

- i) Periodically review the P&P other than Chapters regarding Fiscal and Budget, Investment, Debt, and regulations for non-District use of rights-of-way and recommend action to the Board;
- ii) Recommend action to the Board regarding organizational structure, staffing governance, staffing levels, and compensation of District employees other than the GM and General Counsel;
- iii) Periodically review the Employee Manual and Safety Manual, and recommend action to staff; and
- iv) Hear grievances of employees in a manner described by the P&P Section 10-24.

c) The Engineering Committee will:

- i) Recommend action to the Board regarding the purchase, design, construction, repair, replacement, or improvement of physical facilities;
- ii) Recommend action to the Board regarding contracts and expenditures relating to the purchase, design, construction, repair, replacement, or improvement of physical facilities;

Deleted: ; and

Moved down [1]: <#>Declare property surplus as described in P&P Section 7-3.¶

- iii) Recommend action to the Board regarding regulations for non-District use of rights-of-way; and
 - iv) Hear appeals of affected property owners regarding non-District use of rights-of-way.
- d) The Finance Committee will:
- i) Annually, and prior to the adoption of a tentative budget, recommend to the Board reserve fund balances, and recommend the disposition of reserve fund balances in excess of District goals, as described in P&P Section 3-612(7);
 - ii) Recommend action to the Board regarding insurance, risk management, financial, accounting, budgetary and auditing matters;
 - iii) Periodically review the District's outstanding bonds, bond commitments and projected bonding requirements, and recommend action to the Board consistent with P&P Chapter 5;
 - iv) Periodically review the P&P Chapters regarding Fiscal and Budget, Investment, and Debt, and recommend action to the Board;
 - v) Review all District expenditures at least quarterly to see that such expenditures appear to have been properly budgeted, that applicable procurement regulations appear to have been followed, and that the expenditures appear to have been properly approved. This is intended to meet the requirement of Utah Code Ann. § 17B-1-642(3) that "board of trustees shall, at least quarterly, review all expenditures authorized by the financial officer";
 - vi) Recommend the selection of an auditor as described in P&P Section 3-640, bond counsel, financial advisor, and bond underwriter;
 - vii) Periodically review the District's investments and the Treasurer's periodic report regarding District investments described in P&P Sections 3-633 and 4-3, and recommend action to the Board;
 - viii) Declare property surplus as described in P&P Section 7-3; and
 - ix) Periodically review the District's internal control procedures.
- e) The Environmental Committee will:
- i) Recommend action to the Board regarding the sustainable development and wise use of water, energy and other resources after consideration of the relevant goals and activities of the member cities, associated districts and the state;

Deleted: the governing body

Deleted: and

Moved (insertion) [1]

- ii) Recommend action to the Board regarding water quality measures;
- iii) Recommend action to the Board regarding watershed planning and protection programs;
- iv) Recommend action to the Board regarding regulatory compliance;
- v) Recommend action to the Board regarding environmental compliance; and
- vi) Recommend action to the Board regarding the lease of surplus water.

Deleted: and

CHAPTER 3 FISCAL AND BUDGET

Last Updated: June 16, 2025

PREFACE

This Chapter of the P&P is intended to be consistent with the MWD Act, the Fiscal Procedures for Special Districts, Utah Code Ann. Title 17B, Chapter 1, Part 6 (the “Fiscal Procedures”), applicable portions of Utah Property Tax Act, Utah Code Ann. Title 59, Chapter 2 (the “Property Tax Act”) and applicable portions of Utah Code Ann. Title 17B, Chapter 1, Part 7, which governs the manner in which budgets and audit reports for Special Districts are submitted to interested governmental entities for review. For ease of reference, the Sections of this Chapter of the P&P are numbered the same as the related Fiscal Procedures Sections. Since many of the Sections of the Fiscal Procedures do not apply to the District, or do not require a corresponding policy Section, the Section numbers of these policies and procedures are not always contiguous.

This Chapter of the P&P describes how the District’s books and records will be kept and the procedures used by the Board to approve budgets. Once funds have been properly appropriated, the District’s Procurement Regulations describe the manner in which a source for goods and/or services is to be selected and any required contract terms. Once the source has been properly selected this Chapter of the P&P describes the controls applicable to contract approval and disbursement of District monies.

3-601 DEFINITIONS

Terms used in this Chapter of the P&P shall be interpreted in a manner consistent with the definitions found in Utah Code Ann. § 17B-1-601.

- 1) “JVWCD” means Jordan Valley Water Conservancy District
- 2) “JVWTP” means the Jordan Valley Water Treatment Plant
- 3) “O&M” means Operations and Maintenance
- 4) “Budget officer” means the person appointed by the Board of Trustees to prepare the budget for the District. The board appoints the GM as the budget officer.

3-602 FISCAL YEAR

- 1) The District’s fiscal year is July 1 to the following June 30.

3-603 UNIFORM ACCOUNTING SYSTEM

Deleted: 17

Deleted: 4

Deleted: Utah Code Ann. § 17B-1-602 allows the Board to select a fiscal year beginning January 1 or July 1.

- 1) All District accounting records, and all financial statements prepared from those records, shall conform to generally accepted accounting principles promulgated from time to time by authoritative bodies in the United States.

3-604 FUNDS AND ACCOUNT GROUPS MAINTAINED

- 1) The District financial records shall be kept under an enterprise fund structure. The District shall maintain appropriate account groups consistent with the Uniform Accounting Manual for Special Districts.

Commented [AM3]: Proposed change to track 17B-1-604

Deleted: all Local Governments

3-612 RESERVE COMMITMENTS AND GOALS

- 1) Reserve Balances. Certain reserve balances are required by agreement and/or the District's Master Bond Resolution (District Resolution Number 1739) adopted April 29, 2002 (the "Master Bond Resolution"). Other reserve balances are subject to change at the discretion of the Board. To the extent the District has discretion, the Finance Committee shall, consistent with Utah Code Ann. §§ 17B-1-612 and 613, make recommendations to the Board regarding the application and/or disposition of reserve balances in excess of the goals described here.

- 2) Operations & Maintenance Reserve. Section 5.05 of the Master Bond Resolution requires the District to maintain a minimum balance in the Operations and Maintenance Reserve Fund of 3 months of operation and maintenance costs based upon the current annual budget. The target balance shall be set by the Board as a part of the annual budget process and shall be stated along with the current Operations & Maintenance Reserve balance in the periodic financial reporting of the District.

- 3) Capital Projects Reserve. Section 5.09 of the Master Bond Resolution requires that the amount of \$650,000 be maintained in the Renewal and Replacement Reserve Fund to meet extraordinary operations and maintenance costs as well as unusual loss or damage. This amount may be altered by future supplemental resolutions. In addition to these funds, money will be held for additional construction costs not defined in the Renewal and Replacement Reserve Fund relating to capital cost overruns, additional costs related to project timings, unbudgeted capital projects, and other contingencies. The Capital Projects Reserve, which shall include the Renewal and Replacement Reserve Fund and all other capital project reserves, shall be directly proportionate to the annual construction costs to be undertaken in the following 3 to 5 years. The goal of the District shall be to maintain a minimum balance of 15% to 25% of the total of the following 5 years' annual capital expenses, not to exceed \$10,000,000, at any given time. It is not intended that the Capital Projects Reserves duplicate any contingencies or reserves which are a part of any financing.

Deleted: Section 5.09 of the Master Bond Resolution

Deleted: allows this

Deleted: to

- 4) Insurance/Contingency Reserves. The Insurance/Contingency Reserve is intended to cover expenditures required to pay insurance deductibles and self-insured retentions, offset delays in insurance payments, protect against losses in excess of insurance limits, protect against

Deleted: Self-

Deleted: Self-

exclusions in insurance coverage, and protect against denials of insurance coverage, all resulting from any unforeseen losses, claims or legal actions. The goal of the District is to maintain an unrestricted Insurance/Contingency Reserve balance at a level that will provide funds to protect the District against such unforeseen costs not covered by any other reserves. The District's goal is to accumulate funds in the Insured/Contingency Reserve up to \$2,000,000. This goal shall be reviewed annually. The Insured/Contingency Reserve should not include deductibles and self-insured retentions which are expected to be paid during the budget year, special liability reserves set by the Board to address particular events, capital trust account funds, bond funds, or general trust accounts.

5) Reserves Named by Agreement. The District has entered, and may in the future, enter into agreements that require the District to maintain agreement-specific reserves. Examples include:

a) Jordan Aqueduct Repayment Contract. Article 10 of the "Contract Among the United States, Central Utah Water Conservancy District and Metropolitan Water District of Salt Lake City Providing for Partial Repayment of the Jordan Aqueduct of the Bonneville Unit," dated May 16, 1986, as amended by the "Contract Among the United States, Central Utah Water Conservancy District and Metropolitan Water District of Salt Lake City Providing for Partial Repayment of the Jordan Aqueduct of the Bonneville Unit," dated October 28, 1993 (the "Jordan Aqueduct Repayment Contract") requires the District to maintain an operating reserve of \$20,000 in an interest bearing federally insured account. The District is required to replenish the reserve in the amount of \$4,000 annually to the extent necessary to bring the reserve back up to \$20,000. This amount can be altered by written agreement between the District and the United States Secretary of the Interior.

b) JVWTP O&M Agreement. Article 17 of the "Operation and Maintenance Agreement for the Jordan Valley Water Treatment Plant and Terminal Reservoir" among Central Utah Water Conservancy District, Jordan Valley Water Conservancy District and this District, dated April, 1993, requires the District to maintain a reserve account of \$20,000.

c) 150th South Pipeline Agreement. Article VI.2.(a) of the 150th South Pipeline Agreement between the District and JVWCD requires each party to contribute \$6,000.00 annually to a federally insured, interest bearing account as a reserve for Extraordinary Operation, Maintenance, Repair and Replacement Costs as defined by that agreement until \$30,000.00 is accumulated in the account. As funds are withdrawn from that account annual deposits of \$6,000.00 must resume until the account balance is again \$30,000.00.

6) Managed Aquifer Recharge ("MAR") Reserve. The Board's goal is to create and accumulate monies in an MAR reserve as a means of creating a resource for implementation of MAR projects. The source of monies for this reserve would be generated by electrical pumping costs savings at the Jordan Narrows and sale of surplus water supplies.

Deleted:

Deleted: Self-

Deleted: Self-

Deleted:

Deleted: Self-

Deleted: ordan

Deleted: alley

Deleted: ater

Deleted: onservancy

Deleted: istrict

Deleted: Storage

Deleted: and Recovery

Deleted: ASR

Deleted: ASR

Deleted: ASR

- 7) Annual Review. The Finance Committee shall annually, and prior to the adoption of a tentative budget, review the District's reserves and recommend action to the Board as described in P&P Section 1-14(1)(d)(i).
- 8) Authorization of Expenditures from Reserves. As a part of the adoption of an annual budget the Board should define the circumstances, if any, under which expenditures may be made from each District reserve without further Board authorization. Absent different authorization from the Board as a part of the adoption of the annual budget or otherwise, the GM is authorized to access reserve funds for their intended purpose as described above under exigent circumstances if:
- a) such expenditure or commitment is reasonable and necessary to meet any applicable contract obligation, bond commitment, or statutory mandate, or to protect the District, its employees, or its member cities from material harm or disruption; and
 - b) a Board meeting cannot practicably be called prior to such expenditure or commitment; and
 - c) the GM has made reasonable efforts to consult with the Chair and receives the concurrence of the Chair before making such expenditure or commitment. If the Chair cannot be reached, the GM shall consult with and receive the concurrence of the Vice Chair. If the Vice Chair cannot be reached, the GM shall consult with and receive the concurrence of the Secretary.
- 9) General use of Term "Fund". Some reserve accounts have been named in bond documents and contracts as "funds", and referred to here by those names. The term "fund" is so used in a general and generic way to indicate money has been dedicated to a defined use. This is not intended to suggest segregation or additional separate budgeting or banking requirements described for "funds" other than enterprise funds in the Uniform Fiscal Procedures Part of the Special District Code.

**3-613 APPROPRIATIONS NOT TO EXCEED ESTIMATED EXPENDABLE
REVENUE – ~~APPROPRIATIONS FOR EXISTING DEFICITS~~**

Deleted: DETERMINATION OF REVENUE –

- 1) The Board may not make any appropriation in the final budget in excess of estimated expendable revenue for the budget year.
- 2) In determining the estimated expendable revenue for the budget year, funds accumulated in excess of the limits allowed by Utah Code Ann. § 17B-1-612 shall be included as expendable revenue.
- 3) In the event of an emergency expenditure pursuant to Section 3-623, there shall be included as an item of appropriation, to the extent of at least 5% of the total expected revenue to cover at least in part an existing emergency deficit which was created consistent with P&P Section 3-

623 and Utah Code Ann. § 17B-1-623. There shall be included as an item of appropriation any existing deficit not created in a manner consistent with Utah Code Ann. § 17B-1-623.

3-615 BUDGET IN EFFECT FOR BUDGET YEAR

- 1) Upon final adoption, the budget shall be in effect for the budget year, subject to later amendment. A certified copy of the final adopted budget shall be filed in the District office and shall be available to the public during regular business hours.

3-616 PROPERTY TAX LEVY – AMOUNT IN BUDGET AS BASIS FOR DETERMINING

- 1) From the effective date of the budget or of any amendment enacted prior to the date on which property taxes are levied, the amount stated as the amount of estimated revenue from property taxes shall constitute the basis for determining the property tax levy to be set by the Board for the corresponding tax year, subject to the applicable limitations imposed by law.

3-617 FUND EXPENDITURES – BUDGET OFFICER'S DUTIES

Deleted: GM'S

- 1) The GM shall require all District expenditures to conform to the budget.
- 2) No appropriation may be encumbered and no expenditure may be made against any appropriation unless there is sufficient unencumbered balance in the appropriation, except in cases of emergency as provided by P&P Section 3-623 and Utah Code Ann. § 17B-1-623.

3-618 PURCHASING PROCEDURES

- 1) All purchases or encumbrances by the District shall be made or incurred in a manner consistent with Chapter 6 of the P&P, and only with the required contract and disbursement approval as described in this P&P Chapter.

3-619 EXPENDITURES OR ENCUMBRANCES IN EXCESS OF APPROPRIATIONS PROHIBITED – PROCESSING CLAIMS

- 1) The District may not make or incur expenditures or encumbrances in excess of total appropriations in the budget as adopted or subsequently amended.
- 2) An obligation contracted in excess of total appropriations in the budget is not enforceable against the District.
- 3) No check or warrant to cover any claim against any appropriation may be drawn until the claim has been processed as required by this Chapter of the P&P.

3-620 TRANSFER BETWEEN ACCOUNTS

1) Except as otherwise directed by the Board or described in the P&P, any transfer from a contingency account, a reserve account, a capital improvement appropriation, or from an appropriation the expenditure for which has been frozen or made conditional upon further Board action, requires Board action at an open meeting.

2) Excepting staff salaries and specific appropriations by the Board, the individual line items within the operations and maintenance account are intended to be best estimates and guidelines for management, not appropriations or restrictions, so long as the total appropriation for the operation and maintenance account is not exceeded.

3) Any appropriation for debt retirement and interest, reduction of deficit, or any other appropriation required by law or covenant may not be reduced below the minimums required.

Commented [AM4]: Proposed addition to track 17B-1-620(2)

3-621 REVIEW AND AMENDMENT OF INDIVIDUAL GOVERNMENT FUND BUDGETS, PUBLIC NOTICE REQUIRED

1) Utah Code Ann. § 17B-1-621 says the Board may, at any time during the budget year, review the individual budgets of governmental funds (“governmental funds” are defined by Utah Code Ann. § 17B-1-601(15) as general fund, special revenue fund, debt service fund and capital projects fund) for the purpose of determining if the total of any of them should be increased. If the Board decides that the budget total of one or more of these funds should be increased, it shall follow the procedures established in Utah Code Ann. §§ 17B-1-609, 610 for holding a public hearing. The Little Manual for Local and Special Service Districts (Revised October 2019) says: “The budget of an enterprise fund may be amended by a resolution of the board of trustees at any regular or special meeting called for that purpose without a public hearing. This includes increasing total expenditures of the fund. (See *Utah Code* 17B-1-630).” This seems to be confirmed by Utah Code Ann. § 17B-1-629(1) which says, “(a) As used in this section ‘operating and capital budget’ means a plan of financial operation for a proprietary or other required special fund [(Utah Code Ann. § 17B-1-601(18) defines “proprietary funds” as enterprise funds and the internal service funds of a special district)], embodying estimates of operating resources and expenses and other outlays for a fiscal year; (b) Except as otherwise expressly provided, the reference to ‘budget’ or ‘budgets’ and the procedures and controls relating to them in other sections of this part do not apply or refer to the ‘operating and capital budgets’ provided for in this section.” This District has an “operating and capital budget.” The use of the term “fund” in the code has been the source of some confusion. For purposes of review and amendment of budgets, as well as code budgetary procedures, this District has one enterprise fund and one operating and capital budget.

Deleted: 4

Deleted: 17

3-623 EMERGENCY EXPENDITURES

1) The Board may, by resolution, amend the budget and authorize an expenditure of money that results in a deficit if:

- a) the Board determines that:
 - i) an emergency exists; and
 - ii) the expenditure is reasonably necessary to meet the emergency; and
- b) the expenditure is used to meet the emergency.

3-624 LAPSE OF APPROPRIATIONS - EXCEPTIONS

- 1) All unexpended or unencumbered budget appropriations, except capital project fund appropriations, lapse at the end of the budget year to the respective fund balance.

3-627 PROPERTY TAX LEVY

- 1) The Board at a regularly scheduled meeting or special meeting called for that purpose, shall, by resolution, set the real and personal property tax rate for various District purposes by the date set under Utah Code Ann. § 59-2-912, but the rate may be set at an appropriate later date in accordance with Utah Code Ann. §§ 59-2-919 through 923. Utah Code Ann. § 59-2-912 requires the District to adopt a proposed tax rate, or if the rate is equal to or less than the certified rate, adopt a final tax rate, on or before June 22 each year. Utah Code Ann. §§ 17B-1-1001 through 1003, 17B-2a-608, and 59-2-919 through 923 govern in situations where the District intends to set a tax rate above the District's certified rate. Those Sections require the Trustees to report the proposed tax increase to the legislative bodies of the Member Cities, the legislative bodies of the Member Cities to approve the proposed tax increase, the District to provide special notice of the tax increase before holding the necessary public hearing including to the county and county auditor, and a public hearing held at or after 6:00 p.m. It is the District's goal to set the tax rate at a meeting held at or after 6:00 p.m. to facilitate public comment whether required by statute or not. If the tax levy is to be above the certified rate the District's final budget cannot be adopted until after the just described public hearing. The District may, until the final budget is adopted, expend money based upon the tentative budget or on its prior year's final budget as amended, if the prior year's budget is readopted by resolution at a properly constituted Board meeting.
- 2) The combined levies for all purposes in any year, excluding the retirement of general obligation bonds, the payment of any interest on the bonds, and any taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated by the laws governing the District.

3-628 CERTIFICATION OF RESOLUTION SETTING LEVY

- 1) The District Clerk shall certify the resolution setting the tax levy to the county auditor in accordance with Utah Code Ann. § 59-2-912, or in the case of a tax rate increase, in accordance with Utah Code Ann. § 59-2-920.

Deleted: Sections

Commented [AM5]: Proposed to track 59-2-919(6), 59-2-919(8) and 59-2-919.2(1) [the latter is new, effective 5/7/2025]

3-629 OPERATING AND CAPITAL BUDGET

Deleted: PROCEDURES

- 1) On or before the first regularly scheduled meeting of the Board in May, the GM shall consult with the Finance Committee and prepare a tentative operating and capital budget for the ensuing fiscal year. The tentative budget shall include projected receipts, an operations and maintenance account, capital improvement accounts and reserve accounts as described in P&P Section 3-612. The tentative budget shall be filed with the Board, together with specific work programs and any other supporting data required by the Board.
- 2) The tentative budget shall be reviewed and considered by the Board at any regular meeting or special meeting called for that purpose. Subject to appropriate notice and agenda, the Board may make any changes in the tentative budget considered appropriate.
- 3) Notice of the time and place of a public hearing to consider the budget shall be posted in three public places within the District and published at least seven days before the hearing on the Utah Public Notice Website. If the public hearing is held in conjunction with a tax increase, the notice shall be published in accordance with Utah Code Ann. § 59-2-919. If the tentative budget involves a new fee, or an increase in an existing fee, the District shall comply with P&P Section 3-643 and Utah Code Ann. § 17B-1-643. These statutes require special notice and public hearing at or after 6:00 p.m. if a tax increase or fee increase is part of the budget. As a District goal, the public hearing should be held at or after 6:00 pm to facilitate public comment, whether or not required by statute.
- 4) At the time and place advertised, or at any time or any place to which the public hearing may be adjourned by the Board, the Board shall hold a public hearing on the tentative budget. All interested persons in attendance shall be given a reasonable opportunity to be heard on any item in the tentative budget.
- 5) After the conclusion of the public hearing, the Board may continue to review the tentative budget and may insert any new items. The Board may also increase or decrease items of expenditure that were the proper subject of consideration at the public hearing. The tentative budget must be submitted to the member cities as described in Section 3-702 of the P&P.
- 6) The Board shall adopt a budget before June 22 each year, except as provided in Utah Code Ann. §§ 59-2-919 through 923. These code Sections contain special notice and hearing requirements if the certified rate is to be exceeded. If the certified rate is to be exceeded, the final budget cannot be adopted until after the public hearing. The District may, consistent with Utah Code Ann. § 59-2-923, expend money based on the tentative budget, or on the last year's budget as readopted by resolution, until the final budget is adopted.
- 7) A copy of the budget as finally adopted shall be certified by the GM and shall be available for public inspection during regular District business hours at the District's main offices located at 3430 E Danish Road, Cottonwood Heights. A certified copy of the final budget shall also be filed with the State Auditor within 30 days after adoption.

Deleted: matter of

- 8) Upon final adoption, the budget 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 or capital appropriations for the purpose of determining if the total of any of these appropriations should be increased or decreased.

3-630 INCREASE IN APPROPRIATIONS FOR OPERATING AND CAPITAL BUDGET - NOTICE

- 1) The total budget appropriation may be increased by a resolution of the Board at any regular meeting or at a special meeting called for that purpose, so long as written notice of the time, place, and purpose of the meeting has been mailed or delivered to all Trustees at least 5 days prior to the meeting. The notice may be waived in writing or orally during attendance at the meeting by any member of the Board.

3-631 CLERK – MEETINGS AND RECORDS

- 1) The duties of Clerk described in Utah Code Ann. Title 17B, Chapter 1, Part 6 and the P&P shall be performed under the direct supervision and control of the individual appointed by the Board to perform the duties of Clerk. The Clerk or other appointed person shall attend the meetings and keep a record of the proceedings of the Board.

3-632 CLERK – BOOKKEEPING DUTIES

- 1) The Clerk or other designated person not performing treasurer duties shall maintain the financial records of the District, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable. The Clerk may delegate one or more of the following duties to the Accountant: reconciling receipt records to validated deposit, preparing and sending billings, recording transactions in general ledger, and preparing bank reconciliations. No duties of the Clerk shall be delegated to the Treasurer.

3-633 TREASURER

- 1) The duties of Treasurer described in Utah Code Ann. Title 17B, Chapter 1, Part 6 and the P&P shall be performed under the GM's direct supervision and control. These duties include being custodian of all money, bonds, or other securities of the District, investing and depositing all monies of the District following the procedures and requirements of the [State Money Management Act](#), Utah Code Ann. Title 51, Chapter 7, and Chapter 4 of the P&P, receiving all funds payable to the District, and keeping accurate, detailed account of the same. The Treasurer shall provide a report regarding the District's investments periodically to the Finance Committee. No duties of the Treasurer shall be delegated to the Clerk or anyone working under the direct supervision of the Clerk. The Treasurer may delegate one or more of the following duties to the Executive Assistant: receiving checks and preparing the cash receipts journal.

3-634 RECEIPTS FOR PAYMENT

- 1) The Treasurer shall give or cause to be given to every person paying money to the District, a receipt or other evidence of payment (except when payment is received by check or electronically), specifying, as appropriate, the date of payment and upon which account paid and shall file a duplicate of the receipt. The District does not accept cash for payment.

3-635 ISSUANCE OF CHECKS

- 1) The Clerk shall prepare the necessary checks after having determined that each claim was properly authorized, the claim does not over-expend the applicable appropriation, and the expenditure was approved in advance by the Board. The Treasurer shall sign all checks. The person or persons maintaining the financial records of the District may not sign any single signature check. Before affixing a signature, the Treasurer shall determine that a sufficient amount is on deposit in the appropriate bank account of the District to honor the check.

Deleted: and

Commented [AM6]: Proposed to track 17B-1-635(1)©

3-637 DEPOSIT OF FUNDS

- 1) The Treasurer shall promptly deposit all District funds in the appropriate bank accounts of the District in a manner consistent with Utah Code Ann. § 51-4-2. Utah Code Ann. § 51-4-2(a) requires public funds received by political subdivisions of the state to be deposited “daily, if practicable, but not later than once every three banking days.” It is unlawful for any person to commingle District funds with the person’s own money. If it appears that the Treasurer or any other District officer or employee is making a profit out of public money, or is willfully using the same for any purpose not authorized by law, the Treasurer, officer or employee shall be suspended. Additional disciplinary action shall be taken consistent with any standards established by the District.

Deleted: 2

3-638 FINANCIAL REPORTS

- 1) The Clerk shall prepare and present to the Board detailed financial reports, at least quarterly, in a form approved by the Board, showing the financial position and operations of the District for that quarter and year-to-date status. As a guideline the Clerk shall prepare and present to the Board detailed financial reports monthly whenever practicable. The Clerk shall prepare and present to the Board available financial and statistical information in any format reasonably requested by any Trustee.

3-639 ANNUAL FINANCIAL REPORTS

- 1) Within 180 days after the close of each fiscal year, the District shall prepare an annual financial report 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. Copies of the annual financial report and the audit report furnished by the independent auditor shall be filed with

Commented [AM7]: Proposed change to track 17B-1-639(1)

Deleted: all Local Governments

the State Auditor, shall be submitted to member cities as described in Section 3-703 of the P&P, and shall be filed as a public document in the District's offices.

3-640 INDEPENDENT AUDIT

- 1) An independent annual audit shall be performed in conformity with Utah Code Ann. Title 51, Chapter 2a. The Finance Committee shall recommend actions to the Board regarding the hiring of an independent auditor, as described in P&P Section 1-14(1)(d)(vi). A request for proposal process will be used for the procurement of an independent auditor. At the end of the contract, the current auditor may be considered in the following request for proposal process. The term of the contract shall not exceed five (5) consecutive years. Accounting consulting services shall not be provided by the independent auditor.

3-641 DISTRICT MAY EXPAND UNIFORM PROCEDURES – LIMITATIONS

- 1) Utah Code Ann. § 17B-1-641 allows Special Districts to expand the uniform accounting, budgeting and reporting procedures prescribed in the Uniform Accounting Manual for Special Districts prepared by the state auditor under Subsection 67-3-1(13) to better serve the needs of the District. However, Special Districts may not deviate from or alter the basic prescribed classification systems for the identity of funds and accounts described in the Uniform Accounting Manual for Special Districts.

Deleted: all Local Governments

Commented [AM8]: Proposed change to track 17B-1-641 (ditto for other proposed changes to 3-641).

Deleted: all Local Governments

3-642 APPROVAL OF CONTRACTS AND EXPENDITURES

- 1) The approval of expenditures required under this Section of the P&P is in addition to requirements for proper budget appropriations, P&P Section 3-619 and 3-620, compliance with Procurement Regulations regarding the selection of providers of goods and services, Chapter 6 of the P&P, and requirements of P&P Section 3-635 regarding available unencumbered balances and monies on deposit before checks may be issued. The Board shall approve all District expenditures except as otherwise provided in this P&P Section or the resolution approving the budget.
- 2) Any authorized approval of a specific District contract includes approval of the expenditures that are properly payable by the District as described under that contract.
- 3) Except as otherwise instructed by the Board, the GM may approve:
 - a) payroll checks if consistent with a pay structure approved by the Board;
 - b) contracts and expenditures relating to routine operation and maintenance items;
 - c) budgeted capital items not exceeding \$50,000;
 - d) utility bills, payroll-related expenses, purchase of chemicals, supplies, materials, etc.; and

Formatted: Indent: Left: 0"

- e) the issuance of District credit cards to be used by District employees for travel expenses and other routine expenditures.
- 4) A list of all expenditures shall be provided to the Finance Committee at least quarterly for its review, as described in P&P Section 1-14(1)(d)(v).

3-643 IMPOSING OR INCREASING A FEE FOR SERVICE

- 1) Before imposing a new fee or increasing an existing fee for a service provided by the District, the Board shall first hold a public hearing at or after 6:00 p.m. at which any interested person may speak for or against the new fee or increased fee.
- 2) The notice of the public hearing shall comply with the requirements of the Open Meetings Act and Utah Code Ann. § 17B-1-643.
- 3) The date for the hearing shall not be less than 7 days after the first notice is published.
- 4) After holding a public hearing as described, the Board may impose the new or increased fee as described, adjust the amount of the new or increased fee and impose it as adjusted, or decline to impose the new or increased fee.

3-702 DISTRICT TO SUBMIT BUDGET

- 1) Within 30 days after the tentative budget is adopted and not less than 30 days before the Board adopts a final budget, the GM shall send a copy of the tentative budget and notice of the time and place for the public hearing to each constituent entity (defined by Utah Code Ann. § 17B-1-701(4) as any county, city or town that levies property taxes within the boundaries of the District) that has in writing requested a copy and each customer agency (defined by Utah Code Ann. § 17B-1-701(5) as governmental ~~entities except~~ school districts, institutions of higher education and federal government agencies that purchase or obtain services ~~s~~ from the District) that has in writing requested a copy.
- 2) The tentative budget sent to such entities that request a copy in writing shall include a signature sheet for the designee of the entity to sign indicating that entity received the budget and has no objection to it. If such signature sheet is not returned to the District within 15 calendar days after the tentative budget is mailed, the GM shall send a written notice of the public hearing to each such entity that did not return the signature sheet and invite them to attend.
- 3) If requested to by any constituent entity or customer agency, the District shall schedule a meeting to discuss the budget with the constituent entity or customer agency.

3-703 DISTRICT TO SUBMIT AUDIT REPORT

Deleted: agencies

Deleted: other than

1) Within 30 days after it is presented to the Board, the GM shall send a copy of any audit report to each constituent entity (defined by Utah Code Ann. § 17B-1-701(4) as any county, city or town that levies property taxes within the boundaries of the district) that has in writing requested a copy and each customer agency (defined by Utah Code Ann. § 17B-1-701(5) as governmental agencies, except school districts, institutions of higher education and federal government agencies, that purchase or obtain service from the District) that has in writing requested a copy.

Deleted: other than

2) Any constituent entity or customer agency that receives a copy of the audit report may schedule a meeting with the District to discuss the audit report and plans to implement suggestions made by the auditor.

3-704 COMMUNITY REINVESTMENT AGENCY AND SIMILAR ACTIVITY

1) The District may participate in Community Reinvestment Agency projects, and similar development and/or renewal projects, as governed by Title 17C, Utah Code Ann. In the event a proposed project has an impact upon the tax revenues of the District and allows for the discretionary participation of the District, the District will not participate in such project.

Deleted: (formerly called Community Development and Renewal Agency) ...

CHAPTER 6 PROCUREMENT REGULATIONS

Last Updated: June 16, 2025

PREFACE

This Chapter of the P&P is intended to be consistent with those portions of the Utah Procurement Code, Utah Code Ann., Title 63G, Chap. 6a (the “Procurement Code”) and the regulations of the Procurement Board that apply to the District. These regulations are established pursuant to rulemaking authority granted to special districts in the Procurement Code. Where the Procurement Board has issued regulations on the same subject covered by these District Procurement Regulations, these District Procurement Regulations govern. And, where these District Procurement Regulations establish rules and procedures in addition to those established by the Procurement Board, these District Procurement Regulations, as well as the Procurement Board’s regulations, apply. Any such additional rules and procedures are specifically identified in these District Procurement Regulations. Any such additional rules and procedures are specifically identified in these District Procurement Regulations.

For ease of reference, these Procurement Regulations are organized by Part numbers that correspond to the numbered Parts of the Procurement Code. To the extent practicable the Sections of these Procurement Regulations are numbered the same as the related Procurement Code Section. For example, Section 63G-6a-102 of the Procurement Code describes the purposes of the Procurement Code, and P&P Section 6-102 describes the purposes of this Chapter.

All District expenditures must be properly appropriated as described in P&P Chapter 3. Once a District expenditure has been properly appropriated, this Chapter of the P&P describes the manner in which the source for the budgeted purchase is to be selected. Once the source for a properly appropriated purchase has been selected, P&P Chapter 3 describes the manner in which the source for the budgeted purchase is to be approved.

PART 1 GENERAL PROVISIONS

6-102 PURPOSES

This Chapter of the P&P is intended to:

- 1) provide for transparency in the District procurement process;
- 2) provide for the fair and equitable treatment of those who deal with the District regarding procurement;
- 3) provide increased economy in District procurement;

Deleted: 17

Deleted: 4

Deleted: Utah State

Deleted: Policy

Deleted: (the “Procurement Board”)¶

Deleted: and

- 4) foster effective broad-based competition within the free enterprise system to the extent practicable; and
- 5) Consistent with the District's mission to provide high quality water and reliable services in a safe, timely, economical, and environmentally sensitive manner, this Chapter is intended to provide proper value to the District with cost effective goods and services.

6-103 DEFINITIONS

Unless otherwise modified in this Chapter of the P&P, terms used in this Chapter of the P&P shall be defined as described in Section 103 of the Procurement Code. As used in this Chapter:

- 1) "Procurement Board" means the Utah State Procurement Policy Board.
- 2) "Procurement Official" means the GM or his/her designee.
- 3) "Protest Officer" means a standing committee or ad hoc committee of the Board as determined by the Chair.

6-106 DISTRICT AUTHORITY AS AN INDEPENDENT PROCUREMENT UNIT

- 1) The District may:

- a) engage in a standard procurement process;
- b) acquire a procurement item under an exception to the requirement to use a standard procurement process, as provided in this Chapter, ~~the Procurement Code or the Procurement Board regulations; or~~
- c) otherwise engage in an act authorized or required by this Chapter, ~~the Procurement Code or the Procurement Board regulations.~~

Deleted: of the P&P

Deleted: of the P&P

- 2) With respect to a procurement or contract over which the Procurement Official has authority, the Procurement Official may:
 - a) manage and supervise the procurement to ensure to the extent practicable that the District receives the best value;
 - b) prepare and issue standard specifications for procurement items;
 - c) review contracts, coordinate contract compliance, conduct contract audits, and approve change orders;

d) delegate duties and authority to District staff, as considered appropriate;

e) correct, amend, or cancel a procurement at any stage of the procurement process if the procurement is out of compliance with the Procurement Code, the Procurement Board regulations or this Chapter;

Deleted: of the P&P

f) attempt to resolve a contract dispute in coordination with the District's General Counsel; and

g) at any time during the term of a contract awarded by the District, correct or amend a contract to bring it into compliance or cancel the contract:

i) if the Procurement Official determines that correcting, amending, or canceling the contract is in the best interest of the District; and

ii) after consulting with the District's General Counsel.

iii) any such action that is material should be reported to the Board.

3) The authority described in the above section shall not be exercised if it would be in conflict with any other provision in this P&P, or would be inconsistent with instructions of the Board.

6-107.5 APPLICATION

1) Except as otherwise directed by the Board, this Chapter, the Procurement Code, and any applicable Procurement Board regulations shall govern the District's purchase of all goods and services.

Deleted: of the P&P

2) This Chapter describes the procedure for District procurements. All District procurements shall be properly appropriated as described in P&P Chapter 3. Once an appropriate source has been selected pursuant to this Chapter, contracts and expenditures must be authorized consistent with P&P Section 3-642. Any District monies shall be disbursed consistent with P&P Section 3-635.

Deleted: of the P&P

Deleted: of the P&P

3) This Chapter shall, to the extent reasonable, be interpreted in a manner consistent with those portions of the Procurement Code and any Procurement Board regulations which apply to the District.

Deleted: of the P&P

4) Nothing in this Chapter of the P&P shall create rights, interests, or causes of action against the District, its Trustees, officers, agents or employees. Failure to follow procedures as described in this Chapter shall not invalidate the action taken, unless otherwise expressly provided by law.

Deleted: of the P&P

6-107.6 EXEMPTIONS

To the extent purchases are exempted from the Procurement Code or the Procurement Board regulations, they are also exempted from the terms of this Chapter.

Deleted: of the P&P

PART 3 PROCUREMENT OFFICIAL

6-303 DUTIES AND AUTHORITY OF PROCUREMENT OFFICIAL

1) The Procurement Official will:

- a) supervise the District's procurement to assure that all District procurements are properly appropriated by the Board pursuant to P&P Chapter 3 and the instructions of the Board;
- b) supervise the District's procurement to assure that it is consistent with this Chapter, applicable statutes, any applicable Procurement Board regulations and any instructions of the Board;
- c) exercise general supervision and control over inventories belonging to the District;
- d) establish reasonable procedures for the inspection and acceptance of goods and services;
- e) prepare and maintain specifications for goods and services as described in this Chapter; and
- f) recommend periodic updates to this Chapter.

Deleted: of the P&P

Deleted: of the P&P

Deleted: of the P&P

2) Except as otherwise described in this Chapter, or as otherwise directed by the Board, the Procurement Official has the power to act as described in the Procurement Code or Procurement Board regulations.

Deleted: of the P&P

PART 5 OTHER STANDARD PROCUREMENT PROCESSES

6-506 SMALL PURCHASES

1) As used in this section:

- a) "Annual cumulative threshold" means the maximum total annual amount that the District may expend to obtain procurement items from the same source under this section. The District's annual cumulative threshold is \$75,000.

Commented [AM9]: The current policy is \$50,000. We increased the small purchase limit from \$1,000 to \$2,000. We are proposing to increase the small purchase threshold to 75,000

Deleted: 5

Deleted: 0

b) "Individual procurement threshold" means the maximum amount that the District may expend to obtain a procurement item under this section. The District's individual procurement threshold is ~~\$75,000.~~

Commented [AM10]: Propose an increase.

Deleted: 50

c) "Single procurement aggregate threshold" means the maximum total amount that the District may expend to obtain multiple procurement items from one source at one time under this section. The District's single procurement aggregate threshold is ~~\$75,000.~~

Commented [AM11]: Propose an increase.

Deleted: 50

2) The District's rules governing small purchases include but are not limited to:

a) Before making a purchase of \$2,000 or less, the District manager responsible for the purchase shall use means which are reasonable under the circumstances to assure that the District is getting good value and a reasonable price. A purchase of goods or services for more than \$2,000, but not exceeding ~~\$75,000,~~ may be awarded without a competitive process after the solicitation of price quotations from enough prospective vendors to reasonably ensure that the District received a competitive price. Such solicitations may be made electronically, orally, or in writing.

Commented [AM12]: Propose increasing this to \$75,000

Deleted: 50

b) Department managers are authorized to make purchases of goods and services of \$25,000 or less which have been properly appropriated consistent with Chapter 3 of the P&P. Purchases greater than \$25,000 shall be authorized and approved by the Procurement Official.

3) The Procurement Official will prepare a report on small purchases exceeding \$50,000 but less than \$75,000 to the Board.

Formatted: Indent: Left: 0.25", No bullets or numbering

4) Expenditures made under this section may not exceed the thresholds established in State Procurement Board Rules unless the Procurement Official gives written authorization to exceed the threshold that includes the reasons for exceeding the threshold.

PART 7 REQUESTS FOR PROPOSALS

6-702 CONTRACTS AWARDED BY REQUEST FOR PROPOSALS

1) Except as otherwise instructed by the Board, a request for proposals process, as provided in Part 7 of the Procurement Code and the Procurement Board regulations, may be used instead of bidding when it is determined that it is appropriate and will provide the best value or is the most advantageous to the District. This determination will be made by the Procurement Official.

2) Except as otherwise instructed by the Board, requests for proposals are allowed for procurement of goods and services related to Process Control/Supervisory Control and Data

Acquisition (“PC/S”) system instrumentation.

PART 8
EXCEPTIONS TO PROCUREMENT REQUIREMENTS

6-802 AWARD OF CONTRACT WITHOUT ENGAGING IN STANDARD PROCUREMENT PROCESS—NOTICE—DUTY TO NEGOTIATE CONTRACT TERMS IN BEST INTEREST OF PROCUREMENT UNIT

- 1) The Procurement Official may award a contract for a procurement item without engaging in a standard procurement process, as provided in Section 802 of the Procurement Code and Procurement Board regulations. Except as otherwise expressed in the P&P the determination required by Section 802 of the Procurement Code will be made by the Board.
- 2) The Procurement Official shall give public notice of a procurement under this section as described in Section 112 of the Procurement Code, if the cost of the procurement exceeds \$50,000, except where publication is not required as provided in Section 802 of the Procurement Code.

Deleted: 6-

6-802.7 EXTENSION OF A CONTRACT WITHOUT ENGAGING IN A STANDARD PROCUREMENT PROCESS

The Procurement Official may extend a contract without engaging in a standard procurement process as provided in Section 802.7 of the Procurement Code and Procurement Board regulations. The Board shall be promptly notified of such a contract extension.

6-803 EMERGENCY PROCUREMENT

The Procurement Official may authorize an emergency procurement without using a standard procurement process as provided in Section 803 of the Procurement Code and Procurement Board regulations. The Board shall be promptly notified of the emergency procurement.

PART 9
CANCELLATIONS, REJECTIONS AND DEBARMENT

6-902 CANCELLATION AND REJECTION OF BIDS AND PROPOSALS

- 1) The District may cancel or reject any or all invitations for bids, bids, request for proposals, or proposals in whole or in part, as may be specified in the solicitation, when the Board or the Procurement Official determines it is in the best interest of the District.

6-1202 CONTRACTS AND CHANGE ORDERS

The Procurement Official may adopt, and amend from time to time, standard District construction contract clauses that comply with the Procurement Code.

6-1207 CERTIFICATION OF CHANGE ORDER

1) Any construction contract change which increases the contract amount shall be properly appropriated and expended consistent with P&P Chapter 3 and instructions of the Board.

2) When approving a procurement contract or change to a procurement contract, the Board may also approve an appropriate contract contingency or change to an existing contract contingency.

3) Contract changes that do not modify the contract scope and are within the board-approved contract contingency may be approved by the Procurement Official, if the value is more than \$25,000. Moreover, changes \$25,000 or less, may be approved by the Department Manager.

4) Contract changes that modify the contract scope and /or the available Board-approved contract contingency may be approved as follows:

a) Contract changes \$25,000 or less, by a Department manager.

b) Contract changes \$75,000 or less, by the Procurement Official.

c) Contract change exceeding \$75,000, by the Board

5) Change directives are formalized in a change order that is reported to the Board at the next available scheduled meeting. The change directives bundled in these change orders may collectively exceed the individual approval limits described above.

6) Because of the unknown time and cost, the District does not normally approve time and materials contract changes.

7) When an emergency condition as defined in P&P Section 6-803 occurs, the Procurement Official is authorized to approve a time and materials contract change and/or exceed a \$50,000 change directive when it is determined to be in the District's best interest after consulting with the Board chair. The change will be brought to the Board for ratification at the next scheduled Board meeting.

Deleted: <#>Construction contract changes less than \$50,000 are approved individually through change directives, sometimes referred to as "work change directives", which are a form of change order. Except as otherwise instructed by the Board, the District's rules relating to change directives are the following:¶

a) The change directive should be collaborative with the contractor to the extent possible, and include an explanation of the change and its associated change to contract cost and time.¶
b)

Deleted: <#>s are authorized to approve change directives of \$25,000 or less

Deleted: c)

Deleted: T

Deleted: is authorized to approve change directives of \$50,000 or less...

Deleted: e)

Deleted: <#>3) A contract change exceeding \$50,000 may not be approved through a change directive under Section 2 above. Instead, any such contract changes shall be brought to the Board in a change order for approval. ¶

4)

Deleted: <#>Board shall be promptly notified of the

PART 13 GENERAL CONSTRUCTION PROVISIONS

6-1302 ALTERNATIVE METHODS OF CONSTRUCTION CONTRACTING MANAGEMENT

Subject to Procurement Code and District Procurement Regulations, the Procurement Official may select an appropriate method of construction contracting management for a particular project, after considering the factors stated in Utah Code Ann. § 63G-6a-1302(3)(a)-(h). A written statement signed by the Procurement Official describing the facts that led to the selection of a particular method of construction contracting management shall be included with the contract file.

Deleted: c

Deleted: .

Deleted: .

PART 15 DESIGN PROFESSIONAL SERVICES

Except as otherwise instructed by the Board, design professional services may be procured in any manner that is consistent with Part 15 of the Procurement Code and the Procurement Board regulations.

PART 16 PROTESTS

6-1601 PROTESTS

Protests will be considered in compliance with Part 16 of the Procurement Code and Procurement Board regulations. A request for intervention into a protest must be filed promptly. Intervention in a protest will be allowed at the discretion of the Protest Officer.

Deleted: prosecuted

Deleted: sound

PART 24 UNLAWFUL CONDUCT AND PENALTIES

6-2401 UNLAWFUL CONDUCT AND PENALTIES

All Trustees, Officers and employees of the District shall comply with Part 24 of the Procurement Code and the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. Title 67, Chapter 16. Notwithstanding any provision in those Acts, no Trustee, Officer or staff shall accept, directly or indirectly, an economic benefit, for themselves, any family member, or any entity they have an equity interest in, tantamount to a gift – excepting only an occasional hospitality gift which does not exceed ten dollars (\$10) in value from any person associated with a supplier, or prospective supplier, of goods or services to the District. The annual aggregate value of all hospitality gifts from that person shall not exceed fifty (\$50) dollars in value.

Deleted: p

CHAPTER 7 PROPERTY

Last Updated: June 16, 2025

Deleted: 12

Deleted: 3

7-1 PURCHASE OF MOTOR VEHICLES

- 1) Consistent with the experience of other governmental entities, it is the objective of the District to purchase vehicles under state contract; to encourage their proper use, care and maintenance by District employees; and to sell the vehicles at the appropriate time to maximize resale value. In order to minimize the difference between purchase price paid by the District and the realized resale value, it may be appropriate where the vehicle is likely to be purchased by a member of the general public upon resale (such as a passenger vehicle, or a light truck without utility equipment) to order optional features such as trim and appearance packages, power accessories, and electronics, which may not be necessary for District use, but which enhance resale value.

Deleted: , etc.,

- 2) Each year, as part of the budget approval process, the Procurement Official shall recommend to the Finance Committee the vehicles to be purchased, including the probable state contract price of each vehicle.

Commented [AM13]: As part of the review of the Tentative Budget, the Finance Committee would review the proposed vehicles to be purchased.

Deleted: Management Advisory

7-2 INVENTORY OF PROPERTY

- 1) Staff shall keep and periodically update an inventory of the District's real and personal property. The Finance Committee shall approve the value threshold(s) for items of personal property to be included in the inventory, and the manner in which the inventory is to be kept and updated.

7-3 DISPOSAL OF SURPLUS PROPERTY

- 1) The Procurement Official shall periodically submit a list of surplus property, together with a recommended method of disposal to the Finance Committee for review. Real property of the District shall be offered and sold only upon approval of the Board.

Deleted: Management Advisory

- 2) Disposal of surplus property other than motor vehicles should be made "as is" and without warranty or representation of any kind or nature, after reasonable public notice.

- 3) The District's disposal of surplus motor vehicles shall be accomplished as follows:

- a) The Procurement Official shall make a recommendation to the Finance Committee as to an approximate reasonable sales price for each motor vehicle to be sold as surplus property. This recommendation should be made by the Procurement Official based on a review of any applicable information contained in the NADA "Blue Book", the Kelly "Blue Book", and/or interviews with a reasonable number of local auction houses and/or dealerships.

Deleted: Management Advisor

Deleted: y

b) Sale of the vehicle shall be accomplished as approved by the Finance Committee. Methods of sale may include:

Deleted: Management Advisory

- i) Auction through a local or internet auction;
- ii) Consignment with a local dealer or broker;
- iii) Sale advertised via the internet and/or in the classifieds sections of the *Salt Lake Tribune*, *Deseret News* or other appropriate periodical;
- iv) Dealer trade-in; or
- v) Sale to an interested employee or employee family member. The District is interested in making surplus District vehicles available to its employees to encourage proper use, care and maintenance of vehicles. No surplus vehicle shall be sold to a District employee or family member of an employee without Board approval.

7-4 REAL PROPERTY AQUISITIONS

- 1) Intent. This Section is intended to provide guidelines and authorization to staff regarding the acquisition of real property interests. The District's goal is to accomplish necessary acquisitions on a willing-seller basis, if practicable, and at a reasonable cost to the District, in a consistent, fair, open, and equitable manner.
- 2) Title Insurance. Many title companies include a standard title policy with the charge of a title search. The purchase of any additional policies or coverages should be evaluated on a parcel by parcel basis, considering the cost of the additional policy or coverage, the probability of an insured title defect, and the likely costs to the District of clearing up such a title defect without insurance.
- 3) Environmental Assessments. Ordinarily acquisition of fee interests require a Phase I Environmental Assessment. Due diligence investigation of rights of way acquisitions may suggest the District is not likely to encounter hazardous materials and the costs of Environmental Assessments are not warranted. Staff should remain alert to new information which may suggest that particular parcels are appropriate candidates for further investigation and/or a Phase I Environmental Assessment.
- 4) Negotiations. Negotiations shall be conducted in a courteous and forthright manner consistent with the Eminent Domain Statute, Utah Code Ann. Title 78B, Chap. 6, Part 5, and other applicable law. Offers for compensation will be extended in writing as directed by the GM, in line with appraised values, and in a manner consistent with the instructions of the Board. Only those persons authorized by the Board or the GM shall speak for the District. Others should politely refer landowners to the appropriate persons. Reasonably careful contemporaneous

CHAPTER 9 RECORDS POLICIES AND PROCEDURES

Last Updated: June 16, 2025

Deleted: 2

Deleted: 3

PREFACE

This Chapter of the P&P is intended to be consistent with those portions of the Utah Government Records Access and Management Act Utah Code Annotated, Title 63G, Chap. 2 ("GRAMA") applicable to the District.

PART 1 GENERAL PROVISIONS

9-1 GENERAL INTENT

- 1) The purpose of these records policies and procedures is to conform to Section 701 of GRAMA, which provides that each political subdivision of the State of Utah may adopt an ordinance or a policy relating to information practices. If a political subdivision adopts a policy or ordinance, it remains subject to Parts 1 and 3, and Sections 201, 202, 205, 206, 601 and 602 of GRAMA. Except for the Sections of GRAMA which apply to the District notwithstanding the adoption of this Chapter 9, the only GRAMA Sections which apply to the District are those which are expressly referenced in these policies and procedures.
- 2) It is the policy of the District to make public records available upon reasonable request, while preventing the disclosure of non-public records, all consistent with applicable portions of GRAMA and these records policies and procedures. In those situations where persons other than the District may have an interest in records in the possession of the District, such as laboratory test results for samples tested by the District at the request of others, the District will make reasonable efforts to give those who may have an interest in such records notice and an opportunity to object before the District will respond to a request for such records.

9-2 DEFINITIONS

- 1) Terms used in this Chapter 9 shall be defined as stated in Section 63G-2-103 of GRAMA.

PART 2 ACCESS TO RECORDS

9-3 FEES

- 1) The District will charge fees for copying, compiling, etc. as described in Section 63G-2-203 of GRAMA. The charges will be set annually as part of the budget, but are subject to change

by the Board at any time. To the extent charges are not specified in the annual budget they may be specified through a written formal policy adopted by the Board. The District will attempt to assign the person with the requisite skills and the lowest hourly wage. The District may assign to outside sources the task of searching for records, compiling records, or reviewing records to confirm the appropriate documents are being provided in compliance with GRAMA and this chapter of the P&P. In those cases, the District will charge its actual costs for such work. Newer requests for records will not be processed or released until all current and prior payments for previous records requests are paid in full. If the requestor does not take delivery of a records request within 30 days of receiving reasonable notice that the records are available, the response will be considered to have been abandoned and the District may destroy the response.

Commented [AM14]: Proposed change to track 63G-2-203(3)(c):

(c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.

Deleted: by the GM as necessary.

9-4 REQUESTS – TIME LIMIT FOR RESPONSE AND EXTRAORDINARY CIRCUMSTANCES

- 1) Except where inconsistent with this Chapter, Sections 63G-2-201 and 204 of GRAMA shall apply to requests made to the District.
- 2) Requests for records shall be directed to the Records Officer, which consistent with Section 63G-2-103(27), shall be an individual appointed by the GM to work with the state archives regarding District records.
- 3) If the District receives a request that seeks an expedited response, the District shall first determine if the request demonstrates a benefit to the public. If the request demonstrates a benefit to the public, not just the requester, the District's response shall be expedited subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9. If the request does not demonstrate a benefit to the public, the District shall notify the requester within five business days of receiving the request that the request will not be expedited.
- 4) If the response is to be expedited, the District shall provide its response within five business of receiving the request, subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9. If the request is not to be expedited, the District shall respond as soon as reasonably possible but no later than 10 business days after receiving the request, subject to all limitations and requirements of Sections 63G-2-201 and 204 of GRAMA and this Chapter 9.
- 5) The District's response shall either:
 - a) approve the request and provide a copy of the record;
 - b) deny the request in accordance with the procedures and requirements of Section 63G-2-205 of GRAMA;
 - c) notify the requester that the District does not maintain the record requested and provide, if

Commented [AM15]: Currently Sonya Shepherd is the records officer for the District. There is required annual certification. Annalee Munsey also completes the annual certification as a back-up.

Deleted: Clerk

CHAPTER 10 PERSONNEL POLICIES

Last Updated: June 16, 2025

Deleted: 17

Deleted: 4

10-1 INTENT

- 1) The Board expects the GM to implement goals consistent with its desire:
 - a) To provide each employee with a productive work environment, including the necessary policies, procedures, tools, equipment, and resources to perform that employee's duties.
 - b) To be committed to the safety of employees and others.
 - c) To provide a work place which prohibits discrimination and harassment.
 - d) To recruit, select, retain, advance, and pay employees on the basis of their relative ability, knowledge, and skills and without regard to race, color, religion, pregnancy, sex, sexual orientation, gender identity, national origin, age, disability, or any other class protected by applicable law.
 - e) To provide each employee with a job description that describes their duties and responsibilities.
 - f) To provide employees with a description of available benefits.
 - g) To adopt and disseminate to employees the procedure for processing employee grievances and appeals.
- 2) The Board's goal is to provide to the GM the authority, support, and resources reasonable and necessary to implement the policies of this chapter consistent with applicable state and federal law and other instructions of the Board.
- 3) The Management Advisory Committee shall cause the District's Employee Manual to be reviewed annually by counsel to ensure that it conforms to state and federal law, this Chapter, and other instructions of the Board.

Deleted: District

Deleted: District

Deleted: District

10-2 ANNUAL EMPLOYEE BENEFIT REVIEW

- 1) As a part of the annual budget process the GM will consult with the Management Advisory Committee regarding an appropriate employee benefits package. Health, dental and vision care, life insurance, a cafeteria plan, accident and disability insurance, long-term care, retirement benefits, and District matching contributions (100% match up to a maximum of 3% of gross pay) to 401(k), as well as other benefits, should be considered. The District is

13) If an employee has 880 or more hours of Sick Leave available for use as of the last pay period of each calendar year, Sick Leave will be converted to Vacation Leave in the following calendar year based on the employee's calendar year-end available balance. One of the following conversions may take place:

Deleted: for

- a) 880-979 Sick Leave hours: 20 Vacation Leave hours or;
- b) 980-1079 Sick Leave hours: 30 Vacation Leave hours or;
- c) 1080 Sick Leave hours or more: 40 Vacation Leave hours.
- d) An employee may opt out of converting Sick Leave to Vacation Leave if their balance is between 880 hours and 1079 hours. If an employee has 1080 hours of Sick Leave or more, the conversion to Vacation Leave will occur automatically.

14) Sick Leave is not counted as time worked for purposes of calculating overtime.

15) Sick Leave may not be cashed out at any time except as described in the District's Sick Leave Conversion Upon Retirement Policy.

16) Abuse, misuse, or excessive use of Sick Leave, or misrepresentation or dishonesty regarding the use of Sick Leave may result in denial of Sick Leave and/or disciplinary action up to and including termination of employment.

10-7 SICK LEAVE CONVERSION UPON RETIREMENT

1) For employees who are eligible to retire, and do retire from the District:

- a) The employee may upon retirement elect to receive a one-time cash payment equal to 25 percent of the employee's accumulated Sick Leave at the employee's rate of pay at the time of retirement. Accumulated Sick Leave received as a one-time cash payment is not included as compensation for purposes of retirement related earnings reported to the Utah Retirement System ("URS").
- b) In the alternative, the employee may elect to convert 25 percent of the accumulated Sick Leave to continuing group health, dental and/or vision insurance coverage for the employee and any previously enrolled eligible dependents on a dollar-for-dollar basis. Under this option, the value of 25 percent of the employee's accumulated Sick Leave at the employee's rate of pay at the time of retirement will be held in reserve for the employee and applied to the applicable group insurance premium for the benefit of the employee and previously enrolled eligible dependents. This will continue until the employee's reserve is exhausted, coverage periods have exhausted as required by law, or the employee and all previously enrolled eligible dependents become eligible for Medicare or health insurance under another group plan. The District will cash out and pay to former employee any

remaining converted Sick Leave that is not used to pay for insurance premiums. This option is subject to all limitations, terms and conditions of the group insurance policy, federal law, and state law.

- c) In the alternative, the employee may elect to convert 25 percent of the employee's accumulated Sick Leave, at the employee's rate of pay at the time of retirement, to purchase service credit in their 401(k) Plan or contribute to their Health Savings Account, subject to IRS guidelines, and only to the extent allowed under the law. Written notice of the employee's intention to exercise this option must be given to the District no later than four weeks prior to the employee's retirement date.
 - d) Under any of the above options, the remaining accumulated Sick Leave is surrendered to the District.
- 2) For Sick Leave accumulated through February 28, 2001 by District employees who are eligible to retire, and do retire, before reaching the age of Medicare eligibility:
- a) The employee may elect to receive a one-time cash payment equal to 25 percent of the Sick Leave accumulated through February 28, 2001, at the employee's rate of pay at the time of retirement. Accumulated Sick Leave received as a one-time cash payment is not included as compensation for purposes of retirement related earnings reported to the URS.
 - b) In the alternative, the employee may elect to convert 50 percent of the Sick Leave accumulated through February 28, 2001 to continuing group health, dental and/or vision insurance coverage for the employee and any previously enrolled eligible dependents on a dollar-for-dollar basis. Under this option, the value of 50 percent of the employee's accumulated Sick Leave at the employee's rate of pay at the time of retirement will be held in reserve for the employee and previously enrolled eligible dependents and applied to the applicable group insurance premium for the benefit of the employee and previously enrolled eligible dependents. This will continue until the employee's reserve is exhausted, coverage periods have exhausted as required by law, or the employee and all previously enrolled eligible dependents become eligible for Medicare or health insurance under another group plan. The District will cash out and pay to former employee any remaining converted Sick Leave that is not used to pay for insurance premiums. This option is subject to all limitations, terms and conditions of the group insurance policy, federal law, and state law.
 - c) The employee may elect to convert 50 percent of the Sick Leave accumulated through February 28, 2001, at the employee's rate of pay at the time of retirement, to purchase service credit in their 401(k) Plan, subject to IRS guidelines, and only to the extent allowed under the law. Written notice of the employee's intention to exercise this option must be given to the District no later than four weeks prior to the employee's retirement date.
 - d) For items (b) and (c) above, the Sick Leave accumulated through February 28, 2001 will

be reduced accordingly if the Sick Leave balance falls below the original accumulated balance at any time during the employee's tenure at the District.

- e) Under any of the above options, the remaining accumulated Sick Leave is surrendered to the District.
- 3) Any conversion of Sick Leave upon retirement is contingent upon an adequate unencumbered appropriation in an approved budget.

10-8 VACATION LEAVE

- 1) Only regular full-time employees are eligible for paid Vacation Leave.
- 2) Vacation Leave accrual is as follows based on the number of years of service completed (whether continuous or intermittent) as a full-time employee:
 - a) Date of hire thru year 4: 80 hours per year
 - b) 5 year anniversary thru year 9: 120 hours per year
 - c) 10 year anniversary and beyond: 160 hours per year
- 3) A completed year is calculated from the date of hire.
- 4) Accrual of Vacation Leave starts upon the employee's date of hire and is available for use after their first pay date.
- 5) Eligible employees may carry over to the following calendar year a maximum of 320 hours. The employee will forfeit any amount beyond the maximum allowed carry over.
- 6) Employees must receive prior approval from their supervisor before taking Vacation Leave.
- 7) Vacation Leave benefits will be calculated based on the employee's rate of pay at the time of the leave and will not include any special forms of compensation such as incentives, overtime, bonuses or shift differentials. For exempt employees, an hourly equivalent of their salary, based upon a 40-hour workweek, will be used.
- 8) The District will not grant advances on Vacation Leave.
- 9) Any accrued, unused vacation will be cashed out at termination of employment. Accumulated Vacation Leave cashed out upon termination is not included as compensation for purposes of retirement related earnings reported to the URS. Upon retirement, any accrued, unused vacation will be cashed out or converted only as described in the District's Vacation Conversion Upon Retirement Policy.

- a) January 1-March 31: 32 hours
 - b) April 1-June 30: 24 hours
 - c) July 1-September 30: 16 hours
 - d) October 1-December 31: 8 hours
- 4) This leave is intended to be used for purposes other than employee illness or taking vacations; however, Personal Leave may be used at the employee's discretion.

5) Personal Leave does not carry over from year to year and cannot be converted or cashed out.

Deleted: is granted every year on a calendar year basis,

6) Personal Leave must be used by the last full pay period of the calendar year to avoid forfeiting any paid leave.

- 7) Personal Leave can be used in minimum increments of one-quarter hour.
- 8) Employees must receive prior approval from their supervisor before taking Personal Leave.
- 9) Personal Leave benefits will be calculated based on the employee's rate of pay at the time of absence and will not include any special forms of compensation such as incentives, overtime, bonuses or shift differentials. For exempt employees, an hourly equivalent of their salary, based upon a 40-hour workweek, will be used.
- 10) Personal Leave is not counted as time worked for purposes of calculating overtime.
- 11) The District will not grant advances on Personal Leave.

10-11 LEAVE WITHOUT PAY

- 1) Leave without pay requires prior authorization from the GM. Employees absent from their regularly scheduled work shift without authorization are subject to disciplinary action up to and including termination.
- 2) Employees will not accrue Vacation or Sick Leave while on an unpaid leave of absence. Leave accruals are contingent upon active employment and the receipt of regular wages. Accordingly, any period during which an employee is not receiving pay (excluding paid leave such as vacation, sick, personal, holiday pay, or any other leave described in this chapter) will not count toward the accrual of Vacation or Sick Leave benefits. This applies to all types of unpaid leave, including but not limited to unpaid medical leave and leaves of absence under the Family and Medical Leave Act (FMLA) when such leave is unpaid.

on the date of the child's birth or, in the case of adoption or foster care, the date the child is placed in the employee's home. Parental Leave will run concurrently (during the same period of time) with FMLA (if applicable). FMLA requires 30 days advance notice for foreseeable events.

- 2) An employee who is eligible for Maternity Leave will also be eligible for Parental Leave.

Deleted: would

10-19 FAMILY AND MEDICAL LEAVE ACT LEAVE

- 1) The District will comply with the requirements of FMLA. The following generally describes FMLA leave; however, if there is any discrepancy between this policy and FMLA, the provisions of FMLA apply.
- 2) Eligible employees are entitled to up to 12 weeks of unpaid FMLA leave within the calculated leave year for the following reasons:
 - a) For incapacity due to pregnancy, prenatal medical care, or child birth
 - b) To care for the employee's child within one year after birth or placement for adoption or foster care within one year of placement
 - c) To care for the employee's spouse, child or parent who has a serious health condition
 - d) For the employee's own serious health condition that makes the employee unable to perform their job
- 3) Military Family Leave Entitlements:
 - a) Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
 - b) FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member who is a spouse, son, daughter, parent or next of kin (nearest blood relative other than the covered service member's spouse, parent, son or daughter) of the eligible employee, during a single 12-month period. Covered service member means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

time will be included as part of the maximum 12 weeks leave.

- 12) Leave time benefit accruals (Vacation Leave and Sick Leave) will continue during any unpaid leave.
- 13) Employees requesting FMLA leave must submit sufficient information for the District to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of leave. Employees must also inform the District if the requested leave is for a reason for which FMLA leave was taken or previously certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.
- 14) If the employee fails to timely return a requested certification, FMLA leave may be denied.
- 15) So that an employee's return to work can be properly scheduled, an employee on FMLA leave should provide the District with at least two days advance notice of the date the employee intends to return to work.
- 16) When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.
- 17) If an employee fails to report to work at the end of the approved leave period, the District will assume that the employee has resigned.

10-20 REASONABLE ACCOMMODATIONS FOR PREGNANT WORKERS

Deleted: N

- 1) As required by the Pregnant Workers Fairness Act ("PWFA") and the Utah Antidiscrimination Act ("UADA"), the District will provide reasonable accommodations to employees and qualified applicants with known limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the District's operations.
- 2) An employee or qualified applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the District's HR Manager. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.
- 3) Upon receipt of a request for accommodation, HR will contact the employee or qualified applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.
- 4) While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- a) Sit while working.
- b) Drink water during the workday.
- c) Receive closer-in parking.
- d) Have flexible hours.
- e) Receive appropriately sized uniforms and safety apparel.
- f) Receive additional break time to use the bathroom, eat and rest.
- g) Take time off to recover from childbirth.
- h) Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

5) An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the District will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

- 6) For up to one year after an employee gives birth, any employee who is breastfeeding will be provided reasonable break times to express breast milk. The District has designated the Mothers Lounge for this purpose.
 - a) Employees must schedule time through their supervisor to use the Mothers Lounge. Employees who work offsite or in other locations will be accommodated with a private area as necessary.
 - b) A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering.
 - c) Breaks of more than 20 minutes in length will be unpaid, and recorded on timesheets where appropriate.
- 7) The District prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

10-21 FAIR LABOR STANDARDS ACT COMPLIANCE

- 1) Exempt employees will be paid for their performance on a salary basis in accordance with the Fair Labor Standards Act ("FLSA"). Deductions from exempt employees' pay that are barred by the FLSA are prohibited.

10-22 REPORTING WORK HOURS

- 1) Non-exempt employees are required to accurately and completely report all of their work time on approved District time keeping systems. At the conclusion of each pay period, employees must review and approve their reported hours prior to their supervisor's approval. Exempt employees are not required to report their work hours, but are required to report any leave time that is used during a pay period.

10-23 EMPLOYEE CLASSIFICATIONS

- 1) *Regular full-time employees*: an employee who works in a designated full-time position and who is normally scheduled to work at least a 40-hour workweek.
- 2) *Temporary employees*: an employee hired directly by the District (not through a temporary agency) for an unspecified period, for a specific task, on a seasonal basis, and/or who is assigned to work on an intermittent and/or irregular basis. Temporary employee status does not change to "regular" employee status simply by length of service, but requires a formal change of status by the District.

10-24 EMPLOYEE NOTIFICATION OF CHANGES TO PERSONAL INFORMATION

- 1) Employees are expected to help the District keep their personnel records current by immediately reporting to the HR Manager any changes to their:
 - a) Address
 - b) Telephone number
 - c) Marital status
 - d) Number of dependents
 - e) Emergency contact information
 - f) Educational achievements
 - g) Change in W-4 information
 - h) Any change that would affect eligibility to work in the United States (I-9 form)
 - i) Driver's license
 - j) Professional certifications

Deleted: their supervisor

- 2) Changes to some of the items noted above may also be submitted directly by the employee through the online payroll management system for approval by the HR Manager.

10-25 NEPOTISM

- 1) Due to the potential for perceived or actual conflicts, the District will not hire relatives of persons currently employed by the District.
- 2) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-

Deleted: ¶
The District will comply with all applicable state statutes regarding nepotism....

law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law (Utah Code Ann.§ 52-3(1)(e)).

- 3) Department managers are responsible for monitoring changes in employee relationships after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor.
- 4) If any employee, after initial hire or change in employment, becomes a relative of an immediate supervisor or of another person currently employed by the District who is in the same line of authority in which that employee can initiate or participate in decisions involved a direct benefit to the relative, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the department manager. If a decision cannot be made by the affected employees within 14 days of reporting, reassignment will be made on direction of the department manager and the HR Manager.
- 5) The District realizes that there may be existing employment relationships that run counter to this policy. It is the purpose of this policy to encourage the reduction of these relationships and to avoid creating any new situations where relatives are employed in “sphere of influence” relationships. In these existing situations, employees will be expected to fulfill this policy by excluding themselves from participation in personnel decisions/actions in which a relative is involved.
- 6) “Personnel decisions/actions” are defined as decisions related to hiring, retention, transfer, promotion, discipline, wages, and leave requests.
- 7) This policy applies to all current employees and candidates for regular, full-time employment. This policy does not apply to temporary employees.

10-26 EQUAL EMPLOYMENT OPPORTUNITY

- 1) The District is an equal employment opportunity employer. The law prohibits employment discrimination and harassment due to:
 - a) Race
 - b) Color
 - c) National origin
 - d) Sex (including pregnancy)
 - e) Age (forty and older)
 - f) Religion
 - g) Disability as defined by law
 - h) Veteran or military status
 - i) Sexual orientation or gender identity
 - j) Any other class protected under federal, state or local laws.

2) In preparation for an employee's enrollment in Medicare, the employee has the option to cease contributions from the District to their Health Savings Account and instead receive those contributions as monthly earnings until retirement. These earnings may be subject to taxation.

10-31 CRIMINAL BACKGROUND CHECKS

1) The District may require an applicant for a position as a regular full-time employee, an applicant for a position as a temporary employee, or an existing employee to submit to a criminal background check as a condition of employment if, in the judgment of the Board or the GM, the individual may be in a position to affect the safety or security of District works and waters or affect the safety or well-being of patrons, visitors, and employees of the District. Criminal background checks will comply with applicable law, including Utah Code § 34-52-201. The following generally describes the procedure:

2) Criminal background check procedure:

a) If requested by the GM, each individual will consent to a criminal background check conducted by a third party provider.

Deleted: I so requested shall

Deleted: through

b) The criminal background check includes county criminal search; national sex offender, SSN, alias, OFAC, nationwide criminal history system, and motor vehicle records.:

3) The District will then evaluate the result of the criminal background check in accordance with the criteria described below, to the extent allowed by law:

Deleted: <#>The Utah Bureau of Criminal Identification and/or¶

¶
The Federal Bureau of Investigation.¶

¶
If requested by the District, the Division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each individual through a national criminal history system.¶

a) If a criminal background check reveals that an individual failed to accurately disclose a criminal history, the District may reject the application for employment, terminate employment, restrict or deny access to District works and/or waters, or take other security measures.

b) To the extent allowed by law, the District may reject an application for employment, terminate employment, restrict or deny access to District works and/or waters, or take other security measures, if a criminal background check reveals any of the crimes listed below or conviction of any crime grounded in violence, deceit or other behavior which would indicate a potential risk for the District. Such District action shall be determined by the GM to be reasonable and necessary under the circumstances to protect the safety or security of District works or waters or the safety or well-being of patrons, visitors, and employees of the District. Such action shall be based upon the nature and gravity of the offense or conduct, the time elapsed since the conviction or completion of sentence, and the nature of the job sought or held. This list shall be considered illustrative and not be considered exhaustive, and the GM shall have discretion to consider crimes not listed below as grounds for such actions.

c) Felony conviction or pending indictment for:

- i) Homicide;
 - ii) Felony crimes against a person, including but not limited to, assault and battery;
 - iii) Sex offenses, including but not limited to, lewdness, assault, incest, and rape;
 - iv) Child molestation or abuse;
 - v) Robbery or burglary;
 - vi) Theft;
 - vii) Arson;
 - viii) Kidnapping;
 - ix) Drug related offenses;
 - x) Fraud; or
 - xi) Outstanding felony warrant.
- d) Misdemeanor conviction or pending indictment within the last ten (10) years for:
- i) Any of the crimes listed in subpart (c), above;
 - ii) Weapons violations;
 - iii) Property crimes;
 - iv) Forgery; or
 - v) Gambling offenses.
- 4) The District shall provide written notice to the individual who is the subject of the criminal background check that a criminal background check has been requested. Such notice shall be given to this person within three business days of the request for the background check.
- 5) If the District rejects an application for employment based on information obtained through a criminal background check, the District shall:
- a) Notify the individual in writing; and
 - b) Give the individual an opportunity to respond by filing a written request for review which identifies the reason(s) for review with the Management Advisory Committee as outlined in 10-27(2). The Management Advisory Committee will consider whether the information supplied by the individual warrants an exception to the policy.
- 6) Information obtained through criminal background checks under this Chapter shall be classified and protected from disclosure as “private and protected records,” as described in Sections 9-10 and 9-12 of the P&P.
- 7) The information obtained through a criminal background check under this Chapter shall be used only to determine employment.

10-32 GROUP HEALTH INSURANCE

10-24

Deleted: 6

- 1) Dependents of District employees, specifically children over the age of 18, who are also employed as District regular full-time employees, are entitled to enroll as an individual on the District's health plan and Health Savings Account ("HSA"). Per IRS Guidelines, to be an eligible individual and qualify for an HSA, an individual cannot be claimed as a dependent on another person's tax return.

10-33 WHISTLEBLOWER POLICY

- 1) Pursuant to the Utah Protection of Public Employees Act, Utah Code Ann. Title 67, Chap. 21. (the "Act"):
 - a) The District will not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith (1) the waste or misuse of public funds, property or manpower; or (2) a violation or suspected violation of a law, rule or regulation adopted under the law of Utah, a political subdivision of Utah, or a recognized entity of the United States. The District encourages employees to report such issues either to their immediate supervisor, the HR Manager, or anonymously through the employee suggestion box located in the Administration building copy room. The employee reporting such issues is not responsible for investigating the activity or for determining fault or corrective measures. The GM or his/her designee is responsible for investigating and coordinating corrective action.
 - b) The District will also not take adverse action against an employee because the employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review held by the District.
 - c) The District will not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law of Utah, a political subdivision of Utah, or the United States, or a rule or regulation adopted under the authority of the laws of Utah, a political subdivision of Utah, or the United States.
- 2) Any employee who believes he/she is being retaliated against (i.e., termination, compensation, work assignments, threats, etc.) in violation of this policy or the Act must file a complaint/grievance with the independent personnel board, by delivering the complaint/grievance to the HR Manager, within 10 calendar days of the adverse action that was taken. The independent personnel board consists of the Executive Committee or their designee. The personnel board will conduct a hearing within 30 calendar days of the receipt of the complaint/grievance by the HR Manager, unless otherwise mutually agreed upon by the District and the employee. At the hearing, the District has the burden of proof, by a preponderance of the evidence, to establish by substantial evidence that the District's action was justified by reasons unrelated to the employee's good faith actions set forth in section (1) above. The employee may appear in person and be represented by counsel and examine the evidence to be considered by the independent personnel board. The board has discretion to set,

CHAPTER 11 VEHICLES AND TRAVEL

Last Updated: June 16, 2025

Deleted: 2

Deleted: 3

11-1 USE OF DISTRICT AND PERSONAL VEHICLES

- 1) Except when an employee has been provided with a monthly vehicle allowance, District employees are encouraged to use District vehicles when conducting District business. If a District vehicle is not available or it is not practicable to use one, then an employee may use his or her personal vehicle and submit a mileage reimbursement request within 30 days of travel. Mileage reimbursement shall be consistent with IRS guidelines for deductible expenses.
 - a) The GM has discretion to provide to those District employees who frequently use vehicles for District business, or those District employees who must respond to District facilities in emergencies after hours, an assigned District vehicle for commuting to and from work, District business and *de minimis* personal travel, such as a brief stop for a personal errand which is not out of the way.
- 2) Board authorization is required for use of District vehicles for personal use other than *de minimis* use.

11-2 MARKINGS

- 1) All District vehicles shall be marked with the District logo as required by Utah Code Ann. § 41-1a-407(1)(a) and (b). The GM shall have discretion to determine whether particular vehicles are marked and in what fashion, in accordance with Utah Code Ann. § 407(2)(d) and (e).

11-3 PERSONAL AUTO INSURANCE DEDUCTIBLE

- 1) Personal vehicles used for District business must be insured. The District may require confirmation of insurance before employees are authorized to use personal vehicles for District business.
- 2) If an accident occurs while a District employee is driving a personal vehicle while engaged in District business, the District, under the following circumstances, will reimburse the employee for the amount of his or her vehicle insurance deductible:
 - a) The accident is reported to the applicable law enforcement agency promptly; the agency completes and prepares a report; and the employee promptly provides his or her supervisor with a copy of the report, along with proof of insurance coverage for the vehicle involved.
 - b) The employee did not cause or contribute to the accident by acts or omissions which were intentional, reckless or grossly negligent.

- c) At the time of the accident, the employee had collision damage insurance coverage on the vehicle involved.
- 3) Payment by the District under this subparagraph is limited to the amount of the deductible up to a maximum of One Thousand Dollars (\$1,000.) If the damage to the vehicle was caused, or contributed to, by the acts or omissions of a third party who was not a District employee, the employee involved shall act reasonably and promptly to see that the District is reimbursed by the third party or the third party's insurer.

11-4 CONDUCT

- 1) All employees shall use safety restraints as required by law when in any motor vehicle on District business. All employees shall exercise reasonable care, obey all traffic signals and laws, and act courteously and responsibly while operating any motor vehicle on District business.

Deleted: District

Deleted: District

11-5 DRIVER LICENSE AND RECORD

- 1) Each employee who is required to operate vehicles as part of his or her duties with the District shall maintain a valid driver license of the appropriate class. Employees are expected to know whether their duties with the District require a Commercial Driver License.

Deleted: District

Deleted: District e

- 2) Each employee is expected to report promptly to his or her supervisor upon the occurrence of any of the following events:

Deleted: District

- a) Any suspension, revocation or invalidity of the driver license of that employee, if that employee is required to operate vehicles as part of his or her duties;
- b) Any change in the class, status or restrictions of a driver license of that employee which may require a change in work assignments by the District in order to comply with applicable law; and
- c) Any citation for driving under the influence of alcohol, and any citation for a moving violation, received while driving a District vehicle.

- 3) The District may periodically obtain the driving record of any employee who is required to operate vehicles as part of his or her duties. Employees shall cooperate as reasonably requested to make such driving record available to the District.

Deleted: District

Deleted: District e

11-6 AUTHORIZED REIMBURSABLE TRAVEL

- 1) It is the policy of the District to reimburse Trustees and employees for reasonable costs associated with authorized travel while on District business. Trustees are authorized to attend

conferences, seminars or meetings when their attendance is related to their duties as Trustees, and in the judgment of the Board or the Chair of the Board, attendance will benefit the District. Trustee travel reimbursement shall be authorized in advance by the Board or the Chair. Payment of Trustee reimbursement will be supervised by the GM. Employees are authorized to attend conferences, seminars or meetings when their attendance is related to their duties as District employees and their attendance will, in the judgment of the GM, benefit the District. All overnight travel of District employees for District business shall be approved in advance by the GM.

Deleted: E

11-7 TRAVEL ARRANGEMENTS

- 1) Travel arrangements shall be made with the assistance of the GM or his/her designee, including registration for conferences, seminars, or other meetings, transportation, lodging, car rental, etc. 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, or on-line internet services); shall seek the best available rate given the needs of the traveler and the District, and the specific details of the planned travel; and shall inquire about the availability of discounts or price concessions for government employees. The GM need not price hotel accommodations for seminars where the Trustee or employee will be staying in the hotel where the conference meetings will be held. The GM shall act reasonably to document the steps taken to conform with the provisions of this Section 11-7.

Deleted: Except as approved by the GM or the Board, t

11-8 PER DIEM TRAVEL ALLOWANCES AND ADVANCES

- 1) Travel expenses shall be reimbursed, and may be advanced, based upon the city per diem allowed under IRS guidelines for deductible expenses. Travel expenses not otherwise defined under IRS guidelines shall be arranged and approved in accordance with the provisions of Section 11-7 above. The GM may authorize a reimbursement or advance under special circumstances in excess of the city per diem allowed under IRS guidelines, so long as the decision is documented by the GM.
- 2) Instructions and forms requesting travel advances shall be adopted by the GM. It is the traveler's responsibility to obtain approval far enough in advance to process the advance request in a routine manner. If travel plans change, or if for any other reason the per diem amount advanced exceeds that allowed by IRS guidelines, any excess must be returned to the District promptly.
- 3) Receipts shall be kept to the extent required by applicable IRS city per diem guidelines, or if the traveler seeks to be reimbursed for expenses in excess of IRS city per diem guidelines. Receipts for personal meals are not required.

11-9 CREDIT CARDS

CHAPTER 12 SAFETY POLICY STATEMENT

Last Updated: June 16, 2025

- 1) Safety is a paramount and primary concern of the District. The GM will actively promote safety at all District facilities.
- 2) The District adopts state OSHA regulations as its own safety standards, except as supplemented or superseded by specific standards or programs implemented by the GM. A District Safety Manual shall be compiled and periodically reviewed under the direction of the GM. The District Safety Manual shall be readily available for review by District employees.

The GM shall appoint a Safety Team made up of employees from different departments. The Safety Team shall meet regularly to review incident/accident reports, make recommendations to the department managers and the GM regarding incidents/accidents, and perform safety inspections.

- 3) The GM or his/her designee shall periodically report to the Management Advisory Committee on the District's Safety Program.
- 4) All District personnel, contractors, and invitees are expected to comply with applicable District safety standards and programs, and conduct themselves in a reasonably safe manner at all times.
- 5) The Board will provide the GM with the authority, support, and resources reasonable and necessary to implement these policies in a manner which is consistent with applicable state and federal law and other instructions of the Board.

Deleted: 18

Deleted: 12

Deleted: District

Deleted: Committee

Deleted: District Staff

Deleted: who shall periodically report to the Management Advisory Committee

Deleted: District

Deleted: Committee

Deleted: discuss safety issues related to the District.

Formatted: Normal, Indent: Left: 0"

Formatted: Normal, Justified

Formatted: Normal, Indent: Left: 0"

CHAPTER 14 CROSS CONNECTION CONTROL

Last Updated: ~~June 16, 2025~~

Deleted: October

Deleted: 5

Deleted: 07

1) The District shall not allow any connection to any portion of the District's water treatment or conveyance systems which may jeopardize the quality or integrity of those systems or the District's treated water. Cross connections shall not be allowed unless controlled by an approved and properly operating backflow prevention assembly.

2) Employees shall implement an effective District cross connection control program which meets all applicable requirements of state and federal safe drinking water statutes, rules, and regulations. The District's cross connection control program shall include at least the following elements, and compliance shall be documented on an annual basis:

Deleted: The District

Deleted: 's staff

- a) This cross connection control policy shall be reviewed at least annually, and appropriate changes shall be recommended to the Board, in order to enable the District to maintain appropriate and functional authority to enforce the District's cross connection control program.
- b) The District shall provide appropriate and effective public education or awareness materials or presentations, alone or in cooperation with the Public Utility Departments of Salt Lake City and Sandy City, and/or the District's surplus customer and conjunctive management partner, the Jordan Valley Water Conservancy District.
- c) All District operators shall be trained as appropriate in the area of cross connection control and backflow prevention.
- d) The District shall maintain appropriate written records of cross connection control activities.
- e) The District shall maintain appropriate documentation of backflow prevention assembly test history and on-going enforcement activities.

CHAPTER 16
POLICIES FOR NON-DISTRICT USE OF
DISTRICT LAND AND INTEREST IN LAND

Last Updated: June 16, 2025

This chapter of the P&P contains policies governing the use of ~~the corridors for Salt Lake Aqueduct ("SLA"), Salt Lake Aqueduct Replacement ("SLAR"), Point of the Mountain Aqueduct ("POMA"), and Little Cottonwood Conduit Raw Water ("LCC RW")~~ (collectively, "Aqueduct Corridors"); ~~construction, excavation, removal and/or placement of materials, or other earth work on the Aqueduct Corridors; and construction near enough to the Aqueduct Corridors to potentially adversely impact~~ District property interests, by persons or entities other than the District.

PART 1
GENERAL PROVISIONS

16-101 PURPOSE

This Chapter of the P&P is intended to:

- 1) provide guidelines and authorization processes for use of District Lands by others, *see* Utah Code § 17B-2a-603;
- 2) protect and maintain District property for its intended use;
- 3) describe uses that will generally allow the District to
 - a) maintain its ability to have necessary, proper, and timely access to District Lands and infrastructure;
 - b) minimize the costs to the public by protecting reasonable constructability for future infrastructure, repair, and replacement projects;
 - c) minimize costs to the public by avoiding litigation;
 - d) minimize the exposure to liability claims;
 - e) provide ~~adequate~~ security; and
 - f) fulfill the District's fiduciary responsibilities to protect District assets for the benefit of the District's member cities and the water users served by those member cities;
- 4) balance the objectively reasonable interests of property owners impacted by District easements in the reasonable use of and protection of their property with the purposes of District right to utilize and protect District assets; and
- 5) describe when agreements are required to document balance between the needs of the District and Affected Parties.

Formatted: Left: 1", Right: 1"

Commented [AM16]: One primary change is the inclusion of all District lands, not just aqueduct corridors. Changes consistent with this philosophy (e.g., changing "Aqueduct Corridors" to "District Lands") are not highlighted throughout the document.

Deleted: AQUEDUCT CORRIDORS

Deleted: 7

Deleted: 4

Commented [AM17]: This document represents a redline of the June 17, 2024 P&P Chapter 16. The proposed update includes new section headings and formatting; these types of stylistic updates are not highlighted as changes in this document.

Text in red is added.

Text in red with strikethrough was removed.

Text that was moved or is substantially similar to its previous version is not highlighted.

Comments are provided where appropriate

Deleted: facilities and Aqueduct Corridors,

16-102 INTENT

- 1) General Implementation. The District's intent is to implement these objectives and provide these protections in a fair, timely, and reasonable manner.
- 2) Critical Public Infrastructure. The District's facilities are critical public infrastructure. The District is charged with the obligation to put the interests of its member cities and the water users served by those member cities above other interests, including the interests of adjoining landowners, and the interests of the public generally. Use of District Land will be subject to all applicable federal, state, and local statutes, regulations, rules, and ordinances.
- 3) Fair Market Value of Use of District Fee Lands. ~~The District holds title to District Fee Lands for the benefit of its member cities and the water users served by those member cities. As a result, the District is generally obligated by state law to charge present fair market value for use of District Fee Lands, unless the District has statutory authority to the contrary. (See, e.g., Salt Lake Cty. Comm'n v. Salt Lake Cty. Attorney, 985 P.2d 899 (Utah 1999); Municipal Building Authority of Iron Cty. v. Lowder, 711 P.2d 273 (Utah 1985); Sears v. Ogden City, 533 P.2d 118 (Utah 1975)). The basic premise of these cases is that the District holds title to District lands and interests in lands as a trustee for the benefit of its member cities and the water users served by those member cities. The District is charged with the obligation to put the interests of its member cities and the water users served by those member cities above other interests, including the interests of adjoining landowners, and the interests of the public generally. Utah Code Ann. § 17B-1-103(2)(t) allows the District to permit uses of District Fee Lands by adjoining landowners or political subdivisions of the State for less than present fair market value if the Board finds that doing so is in the best interests of the District and the public. In sum, the District's ability to meet the desires of adjoining landowners and others is substantially constrained by law.~~

16-103 DEFINITIONS

As used in this chapter:

- 1) "Affected ~~Property Owner~~ Party" means the owner of property encumbered by District Easement or the owner of property adjacent to District Fee Land, or another individual or entity seeking to use District Lands.
- 2) "Agreement" means the agreement issued to an Applicant who has successfully completed the application process. An agreement may be in the form of a Cooperation Agreement, Easement Agreement, Temporary Use Permit, or another document as determined appropriate by the GM.
- 3) "Applicant" means a person or entity who applies for issuance of an agreement from the District to use District Lands.

~~“Aqueduct” or “Aqueducts”— Salt Lake Aqueduct (“SLA”), Salt Lake Aqueduct Replacement (SLAR), Point of the Mountain Aqueduct (“POMA”) and/or Little Cottonwood Conduit — Raw Water (“LCC-RW”).~~

4) “Board” means the Board of Trustees of the Metropolitan Water District of Salt Lake & Sandy.

5) ~~“Aqueduct Corridor” means the lands the District has the right to use for the purposes of its Aqueducts pipeline infrastructure and that are in addition designated as part of the Aqueduct Corridor by the Board. For example, a portion of the SLA crosses Little Cottonwood Water Treatment Plant and Terminal Reservoir lands, but these Little Cottonwood Water Treatment Plant and Terminal Reservoir lands are not designated by the Board as portions of the SLA Corridor, and thus the Board has not authorized the District staff to license uses of such lands by others under this chapter,~~ including related works, equipment, and facilities. The Corridor may consist of fee or easement. See 16-104 for further description.

Commented [AA18]: See 16-104.e.

6) “District” means the Metropolitan Water District of Salt Lake & Sandy.

7) “District Lands” means any lands the District has the right to use. Lands may include fee, easement, permit, or a similar legal right.

a) “District Fee Lands” means land owned by the District in fee simple.

b) “District Easement Lands” means property where the District has a legal right that gives it permission to use a portion of another person’s property for an identified purpose. For example, the District holds easements for portions of its pipelines and infrastructure.

8) “Encroachment” means a non-District use within District Lands.

9) “EC” means the District’s Engineering Committee, a committee of the Board.

10) “Exception” means an exception to this Chapter for the purposes described in 16-106.2 as may be granted by the District’s Board of Trustees under 16-501.

11) “GM” means the District’s General Manager.

12) “Hazardous Materials”

- a) include those substances included within the definitions of hazardous substances, hazardous materials, toxic substances, or solid waste pursuant to:
 - i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, *et seq.*,
 - ii) the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901, *et seq.*,

- iii) the Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1981, *et seq.*, and
 - iv) the regulations promulgated pursuant to such statutes;
- b) those substances listed in the United States Department of Transportation Table (49 CFR 172.101 and amendments thereto) as hazardous substances;
 - c) those substances listed by the United States Environmental Protection Agency as hazardous substances (40 CFR Part 302 and amendments thereto); and
 - d) such other substances, materials, and wastes which are or become regulated or which are classified as hazardous or toxic under applicable federal, state, or local laws, statutes, ordinances, or regulations. This does not include public sewers.
- 13) “Licensee” means the person or entity that is a party to an Agreement with the District for use of or within District Lands. Any reference in these policies to Licensee should also be interpreted as referring to Licensee’s contractors, subcontractors, employees, agents, or representatives.
- ~~“MWDSL” – The Metropolitan Water District of Salt Lake & Sandy.~~
- 14) “Reclamation” means the United States Department of the Interior Bureau of Reclamation. Reclamation designed and constructed the SLA and originally held title to the SLA and SLA Corridor.
- ~~“Standard Specifications Manual” – A manual of specifications that directs use of and construction in, and in some cases near, the Aqueduct Corridors. The District may make changes to the Standard Specifications Manual from time to time as it deems appropriate.~~

Commented [AA19]: See 16-106.3.

16-104 CORRIDOR

- 1) The Corridor may include any or all of the following pipelines:
- a) Little Cottonwood Conduit – Raw Water (LCC-RW). The LCC-RW is a pipeline and associated facilities constructed by Salt Lake City in 1931 to convey water from Little Cottonwood Creek. In 1960, the LCC-RW was modified to supply raw water to the Little Cottonwood Water Treatment Plant. In 2014, the District received title to the LCC-RW, its Corridor, and related improvements. **The LCC-RW Corridor is 33 feet wide, centered on the pipeline.**
 - b) Point of the Mountain Aqueduct (POMA). POMA is a pipeline and associated facilities constructed by the District in 2006 to convey raw water to the District’s Point of the Mountain Water Treatment Plant, and to carry treated water to the District’s member cities and others. The District owns and is responsible for the operation and maintenance of all

POMA facilities. The POMA Corridor varies in width and is a combination of District Fee Lands, District Easement Lands, and agreements with Draper City and Sandy City.

- c) Salt Lake Aqueduct (SLA). The SLA is a pipeline and associated facilities constructed between 1939 and 1951 under authority of the Reclamation Act of 1902 and the Public Works Administration Appropriation Act of 1938. The SLA conveys raw water from Deer Creek Reservoir to the Little Cottonwood Water Treatment Plant and treated water from the Little Cottonwood Water Treatment Plant to a terminal reservoir near the mouth of Parley's Canyon. The SLA Corridor was procured in tracts, generally 125 feet in width, and consists of District Fee Lands, District Easement Lands, and agreements.
- d) Salt Lake Aqueduct Replacement (SLAR). The SLAR is a pipeline and associated facilities constructed by the District beginning in 2024 to meet water delivery obligations and improve reliability, resiliency, and redundancy of the water delivery system. The SLAR Corridor is generally 50 feet wide and is a combination of District Easement Lands, District Fee Lands, and public right of way.
- e) Corridor Exclusions. For the purpose of this Chapter, the following properties are not considered part of the Corridor:

Commented [AA20]: These exceptions were previously a separate document that was only vaguely referenced in the P&P.

Tract or Parcel	Location	Exclusion ¹
SLA Tract 118	Provo Canyon	Greater than 50 feet left and 100 feet right of SLA centerline
Parcel 140440046	Pleasant Grove	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 300	Pleasant Grove	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 342	Highland	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 343	Highland	Greater than 50 feet right and 75 feet left of SLA centerline
SLA Tract 349B	Draper	Greater than 100 feet either side of SLA centerline
Little Cottonwood Water Treatment Plant	Cottonwood Heights	Excluded entirely
Parcels 2226401006 and 2226253046 (10MGR)	Cottonwood Heights	Excluded entirely
468A	Millcreek	Greater than 50 feet either side of centerline

Parcel 1626428011 (Terminal Reservoir)	Millcreek	Excluded entirely
Parcel 1626201040	Millcreek	Excluded entirely

¹ Right and left descriptions are as if looking downstream from the centerline.

16-105 RIGHTS

- 1) District Rights. The application of these policies will necessarily vary depending upon the nature of the interest of the District in the District Lands. The District's rights should be reviewed for each property in applying these policies. For example, the SLAR Corridor specifically disallows certain uses that may be permitted elsewhere on District Easement Lands.
- 2) District Assumption of Reclamation Agreements. Reclamation historically provided, by agreement, Affected Parties the right to use portions of the SLA Corridor pursuant to 43 United States Code § 387; 43 Code of Federal Regulations, Part 429; and Reclamation Manual/Directives and Standards LND 08-01. As a condition of title transfer, the District assumed all of the rights and responsibilities of Reclamation under then-valid Reclamation agreements for use of the SLA Corridor. Many of these agreements with Reclamation have expired or will expire. The District is not obligated to extend such expired agreements.
- 3) SLA Rights Reserved by the United States. Pursuant to the Provo River Project Transfer Act, Pub. Law. 108-382, and a title transfer agreement among the District, the Provo River Water Users Association and the United States, the United States transferred the title of the SLA Corridor to the District and the United States reserved an easement for the continued, lawful, non-motorized public access across the SLA to adjacent public lands. The United States also reserved an easement for Central Utah Project facilities within a portion of Utah County. All uses of the SLA Corridor are subject to these easements. No action taken pursuant to these policies should be interpreted as adversely impacting such interests of the United States.

16-106 STANDARDS

- 1) Clear District Lands Serve the Public Best. District Lands were acquired to operate, maintain, repair, and replace District infrastructure and are most effective when clear of unrelated obstructions. The District's goal is to maintain District Lands in a manner that will serve the District's need to safely and efficiently accomplish its mission of reliably delivering water to its member cities and others.
- 2) Site Characteristics. How the District addresses a particular non-District use of District Lands may vary based on location, topography, current or future use by the District, the District's property interest, existing and past agreements, and other similar factors. For example, areas

more vulnerable to seismic events, or slope instability, or more prone to require emergency repairs may have stricter requirements than areas without those characteristics.

- 3) Standard Specifications. The GM is authorized to develop Standard Specifications for any work to be performed on District Lands or close enough to District Lands to potentially impact the District's rights. The purpose of the specifications is to direct use of and construction in, and in some cases near, District Lands and infrastructure. The District may make changes to the Standard Specifications from time to time as it deems appropriate.

PART 2 GENERAL LAND USE PROVISIONS

16-201 AUTHORITY

- 1) Adoption. The Board adopts and oversees the District's Policies and Procedures.
- 2) Administration. The EC administers this chapter on behalf of the Board. The EC is authorized to recommend to the Board changes and exceptions to this Chapter. The EC also reviews and recommends action to the Board on appeals.
- 3) Uses Compliant with this Chapter. District staff is authorized to create, and the General Manager to approve, Agreements for use of District Lands by Affected Parties in compliance with this chapter.
- 4) Uses Permitted with Conditions. Uses permitted with conditions (C) as described in this Chapter may be approved by the EC by Agreement if reasonable conditions can be implemented to permit the use without unreasonably interfering with the purpose of the District Lands. If reasonable conditions cannot be implemented, the use may be denied. Expense to the District (current or reasonably anticipated) is an appropriate consideration in determining conditions; expense to the Affected Party is not.
- 5) Uses Not Considered in this Chapter. The EC or Board may authorize Agreements in addition to those the staff is authorized to issue by this chapter, or make exceptions to the policies, where doing so would serve the interests of the District and the public the District serves.

Commented [AA21]: The current P&P grants authority to either the Engineering Committee (EC) or board to make exceptions to policies (16-1.9). In reviewing the P&P, staff wanted a clearer definition of what is approvable by the GM, EC, and board.

This led to the inclusion of a "permitted with conditions" category for uses. In preparing this update, it felt appropriate for some uses to stop with the EC.

16-202 PROCUREMENT AND DISPOSAL OF PROPERTY

- 1) Procurement. The District may procure property as is necessary or convenient for the administration of its duties, including through eminent domain.
- 2) Disposal. The District will make reasonable efforts to comply with its obligation to receive fair market value for disposal of property, and will take reasonable efforts to act within the District's limited authority to dispose of District Lands or any right or interest in District Lands

Commented [AA22]: The previous policy mentions the possibility of disposal of property (16-2.2), but does not clarify the process. This is an attempt to provide clarity to property transactions in general.

if said disposal is in the best interest of the District, its member cities, and the water users served by those member cities.

16-203 USE OF DISTRICT LANDS BY OTHERS

- 1) Compliance. Use of District Lands shall be in compliance with this chapter.
- 2) Pre-existing Uses Grandfathering. Many uses of District Lands have occurred since the acquisition of the District Lands. The District does not recognize existing uses as exempt from these policies (i.e., grandfathering). Uses inconsistent with these policies should be resolved at the time of an Agreement or Agreement renewal.
- 3) Proactive Coordination. The District may proactively communicate with individuals using District Lands to bring those uses consistent with this Chapter, including payment of all required fees and charges as applicable. The District should continually review District Lands to identify uses that may violate the District's rights.
- 4) Existing Conflicting Uses. Where existing uses are in conflict with this Chapter, the District will seek to bring them consistent with policy. ~~Some uses may require coordination or means, beyond cost, that render their removal impossible. Such uses may include private utility connections that must cross District Fee Lands to a lateral or structures that were previously constructed overhanging District Lands, or roads maintained by a city for the public.~~ These existing uses shall be considered on a case-by-case basis by the Board as an exception request (see Section 16-501).
- 5) Adverse Possession. Interests cannot be acquired in District Lands through adverse possession, prescriptive use, acquiescence, or similar. *See Utah Code Ann. § 78B-2-216.*
- 6) Resolution. The District will work with Affected Parties using or seeking to use District Lands to find solutions to appropriately protect the District and the Affected Party. Where an Affected Party is using or seeking use of District Lands uses District Lands in a manner inconsistent with this policy, the District may consider options to resolve unauthorized use up to and including litigation. In exigent circumstances, the GM together with the Board Chair and General Counsel may initiate legal action to terminate encroachments if determined to be in the best interests of the District. In the absence of the Board Chair, the Vice Chair or Secretary may approve such decisions. A report to the Board of such actions must be made as soon as practicable.
- 7) Public Trails. Public, non-motorized recreational trails may be developed on portions of District Lands in a manner that does not adversely impact the security of, or the District's ability to construct, operate, maintain, repair, or replace District facilities. ~~That said, the District's focus is providing supplementary wholesale water to the District's member cities. The District does not view its role as including the creation or promotion of recreational trail~~

~~development. Any trail development on Aqueduct Corridors requires approval by the District's Board.~~

Commented [AA23]: 16-404.5 makes trails a conditional use, suggesting trail development would now be under the EC's discretion.

8) Restoration.

- a) Fee Lands. ~~District Staff should take all reasonable measures to see that~~ Replacement or repair of non-District uses on District Fee Lands are the responsibility of the Licensee, even if removal or damage is a result of the District's exercise of its rights. Licensees may replace or repair uses approved by a valid Agreement following their removal or damage unless the District exercises its rights to limit or eliminate use.
- b) Lands other than District Fee Lands. ~~The District goal is that~~ Replacement or repair of uses on lands where the District does not hold fee should be the responsibility of the Affected Party, even if removal or damage is a direct result of District's exercise of its rights, unless the District is otherwise obligated to make such repairs or restoration, by agreement or otherwise. ~~Permitted uses in compliance with this chapter should generally be reasonably replaced by the District as a result of District activity on land where the District does not hold fee. Some uses may be permitted with the condition that the Licensee is responsible for the cost of removal and/or replacement of the conditioned use.~~

16-204 FEES

- 1) Schedule. The GM should recommend a fee schedule for fees consistent with these policies for approval of the Board.
- 2) District Fee Land. Fees for Agreements should be reasonably calculated to generally recover direct and indirect costs to the District associated with evaluating, approving, and administering such Agreements as to District Fee Land by others, including costs such as appraisal or survey, while taking reasonable steps to minimize charges. ~~Fees for use of District fee lands may be waived in whole or in part by the GM to the extent the licensed use or Agreement is determined to be beneficial to the District (for example, landscaping developed and maintained by others).~~ The District will also receive reasonable compensation for residential and commercial uses of District Fee Lands.
- 3) District Easement Land. Where the District holds an interest other than fee, the District should be responsible for direct and indirect District costs associated with evaluating, approving, and administering Agreements.

16-205 SERVICE INTERRUPTIONS

- 1) Service Interruption or Restriction. The District operates year-round and is critical to the water supply of hundreds of thousands of people. **Service interruptions of any kind must be expressly authorized in advance in writing by the Board, and are not permitted except in**

very extraordinary circumstances. Unauthorized interruptions or restrictions to District operations will not be tolerated and could result in the responsible party paying any and all incidental and consequential damages including, but not limited to, lost revenue from water sales, personnel time, all costs required to return the affected infrastructure back to its full-service capacity, any costs incurred by the District's member cities that are over and above the normal costs associated with the affected infrastructure, the value of the water which could not be used due to the interruption, and third party claims tied to lack of water.

- 2) Contamination of Water Supply. Water conveyed and treated by the District is for municipal and industrial water supply. **The District will not allow or tolerate the introduction of matter of any kind into water conveyance facilities by others.** Agreements should require that in the event of a hazardous material spill, or if there is any release of matter into the water, the Licensee shall notify the District immediately.
- 3) Unauthorized Interruption or Restriction. **Unauthorized interruptions or restrictions to District service, or introduction of matter of any kind into water conveyance facilities will likely result in criminal and civil actions, particularly if determined to be willful or negligent. The District will participate in and direct vigorous enforcement activities against any persons who cause, or who are associated with causing, any unauthorized interruptions or restrictions to District service.** In exigent circumstances, the GM together with the Chair and General Counsel may initiate legal action if determined to be in the best interests of the District. In the absence of the Chair, the Vice Chair or Secretary may approve such decisions. A report to the Board of any such action must be made as soon as practicable.

PART 3 NOTICE

16-301 BLUE STAKES

- 1) The District participates in Blue Stakes of Utah excavation notification center (Utah Code Ann. § 54-8a).

16-302 APPLICATION

- 1) Forms. The GM is authorized to develop application forms, instructions, guidelines, and procedures to guide Applicants and staff through the application process and resolution thereof.
- 2) No Guarantee. An application for use of District Lands does not guarantee an Agreement. **Staff will consider the application materials and determine if the application can be approved with no changes, negotiate changes with the Applicant to bring the application into compliance, or reject the application. Applicants shall be notified of the determination in writing. An application may be denied if the District determines the requested use is not in the District's best interest.**

- 3) Active Time. An Application may be considered inactive when it has had no response from the Applicant for a period of 30 consecutive days following communication from the District.
- 4) Changes to this Chapter While Applications are Pending. An Application that is substantially complete and is being diligently pursued will be considered for approval based upon this chapter as adopted at the time the District receives such Application, with the following exceptions: 1) applicable amendments to this chapter that are pending before the Board or a committee of the Board at the time an Application is received, and that are adopted before the Agreement is signed by the District, will apply; and 2) amendments to this chapter that occur after receipt of an Application and before the Agreement is signed by the District will apply if the GM determines there is a compelling reason to apply such amendments.

16-303 AGREEMENT

- 1) Form. Agreements should be on a form carefully tailored to reflect the approved use and to protect the District's interests. Agreements may contain terms, conditions, and/or limitations that are not reflected in standard Agreement forms, prior agreements, or this chapter.
- 2) Agreement Required. The GM is authorized to enter into Agreements that are consistent with these policies and applicable law on behalf of the District. All activities conducted on District Lands pursuant to an Agreement should be in conformity with these policies or an exception thereto.
 - a) An Agreement is required on District Fee Lands for all non-District use including, but not limited to, access, earthwork, construction, and landscaping.
 - b) Agreements are not generally required for permitted uses within District Easement Lands. Agreements are required for conditional uses and where exceptions have been granted.

~~District Interest Other Than Fee. As to lands where the District's interest is not fee, the District will pursue Agreements where the proposed use of the Aqueduct Corridor would be a violation of the rights of the District without such an Agreement. As to lands where the District does not hold fee, and except as otherwise directed by the Board or the Engineering Committee, the GM has authority to negotiate and execute agreements, including permanent agreements, which more clearly and objectively define the relative rights and responsibilities of the District and the fee owner, or that provide the District with adequate property interests it would not otherwise have, if the GM determines that such agreements are in the best interest of the District, the member cities and the public served by the member cities. Such agreements may allow improvements of the Affected Property Owner that would otherwise be prohibited under this Chapter of the P&P if the GM determines that such agreements are in the best interest of the District, the member cities and the public served by the member cities. Such agreements are to be reported to the Engineering Committee.~~

- 3) Holistic. Agreements should address all uses within District Lands, and not solely those within an application. This may require additional work by the Applicant to remove existing uses or cause them to be in compliance with this chapter, or for the District to acknowledge existing uses with deferred action through the exception process.
- 4) Modifications to Existing Agreements. Any material modification to a previously approved use requires a new Agreement or addendum to an existing Agreement.
- 5) Agreement Duration. Appropriate durations provide the opportunity to regularly review use of District Lands with Affected Parties.
 - a) District Fee Lands. The GM has discretion to determine Agreement durations provided they do not exceed 25 years for a private person or organization or 50 years for a public organization.
 - b) District Easement Lands. As to lands where the District's interest is not fee, the GM has discretion to determine the Agreement durations that are in the District's interest. ~~Where an opportunity is available to define reasonable uses within District Easement Lands, a perpetual duration may be appropriate.~~
- 6) Agreement Renewal. At the end of the term of an Agreement, the Licensee may be required to remove the Encroachment or renew the Agreement, as is consistent with the then-existing policies and the District's rights. The Licensee should be required to pay all required fees and charges as applicable to renew the Agreement.
- 7) Licensees Responsible for Employees, Contractors. Licensees should be held liable for failure of their employees, agents, contractors, or subcontractors to perform in strict conformity with an Agreement and these policies.
- 8) Denial of Agreement. The District is not obligated to allow third-party use of District Fee Lands, even if those uses are otherwise permitted under this chapter. The GM may deny a new or renewed Agreement if it is determined that such may jeopardize the interests of the District in a manner not contemplated by these policies or applicable laws. ~~The GM may deny a new or renewed Agreement if the District or other agency has any outstanding encroachment issues with the Applicant, Licensee, or related persons or entities. Refer to paragraph 16-8 for policies relating to appeal.~~
- 9) Record Drawings for Licensed Uses. Licensees should be required to provide to the District record drawings where appropriate in a format acceptable to the District.

16-304 TEMPORARY USE PERMIT

- 1) Temporary Use. A Temporary Use is defined as one that does not include the installation of infrastructure, including landscaping, within District Lands. Such uses may include access,

Commented [AA24]: The current P&P does not include detail on how/when to administer the Temporary Use Permit (defined in 16-3.2).

material storage, or parking for a limited period of time. District Lands impacted by a temporary use should be restored to their pre-use condition or better following the temporary use.

- 2) Permit. Temporary use of District Fee Land may be authorized through a Temporary Use Permit. Temporary use of District Easement Land that may be permitted with conditions may require a Temporary Use Permit. Temporary Use Permits may required conditions to protect District Lands and infrastructure, such as a security deposit or drip pans for mechanical equipment.

PART 4 PROTECTION STANDARDS

16-401 GENERAL STANDARDS

- 1) Purpose. The purpose of this section is to provide guidance for use of District Lands by Affected Parties. The lists provided below are not exhaustive. Staff should consider all applications for use of District Lands on a case-by-case basis under the standards in the chapter as a guide.
- 2) Interpretation. The GM has authority to interpret and extrapolate the standards in this chapter for existing and requested uses of District Lands.
- 3) Deeds Govern. The deed or other document granting the District its interest in the subject land should be reviewed prior to making a determination. Where the deed or other document and these protection standards differ, the deed or other documents shall govern. Where the deed or other document is silent or unclear, these protection standards apply. For example, the SLAR Corridor specifically disallows certain uses that may be permitted elsewhere on District Easement Lands.
- 4) Access. Implementation of this Chapter shall consider access by the District to District infrastructure. For example, an Applicant may be required to relocate a desired use to ensure vehicular access to an aqueduct vault, or install a gate in a fence within District Lands.
- 5) Weight and Cover Requirements. Weight restrictions for District infrastructure shall be strictly observed. Uses should be designed to not exceed maximum allowable loads and meet minimum cover requirements of District infrastructure. For example, the SLA is composed of several classifications of reinforced concrete pipe. The lowest of these, A-class, is intended to be between three and seven feet deep and limit traffic to highway-rated (H20) vehicles. Appropriate cover shall be maintained above District infrastructure for access and constructability.
- 6) Security. Permitted uses of District Lands shall ensure appropriate security for District infrastructure.

- 7) Water-wise. Landscaping uses of District Fee Lands should incorporate water-wise plants and designs. New turf on District Fee Lands should not exceed 35% of the total use area.
- 8) Constructed for Others. Where uses will be constructed by or for a third party (e.g., developer), but dedicated to a municipality or other governmental entity, the District should require the Agreement to be signed by both the developer and that municipality or other governmental entity.

16-402 MAINTENANCE

- 1) Landscaping. All landscaping uses within District Lands should be maintained by the Affected Party. For landscaping of District Fee Land, District maintenance of the remaining property should be considered. The Licensee may be required, by Agreement, to reduce or expand their use area to provide benefit to the District.
- 2) Roads, Driveways, and Walkways. Except as otherwise expressly agreed in writing by the District, road, driveway, and/or walkway maintenance (e.g., repair, replacement, snow removal) should be the responsibility of the owner of the road, driveway, and/or walkway and its successors.
- 3) Proactive District Trimming or Removal of Trees. The District may remove or trim trees, shrubs, and vines located within District Lands where such are on District Fee Lands or violate District rights. The GM is authorized to develop a proactive tree maintenance program to remove trees and/or portions of trees and branches within District Lands. This program does not exempt Licensees from their responsibility to maintain these features.

16-403 GRADING

- 1) Earthwork Adjacent to Corridors. Any fills and cuts on properties adjacent to District Lands should not be permitted to encroach onto District Lands without prior written approval by the District. Modifications of properties adjacent to District Lands should not be permitted to materially reduce lateral support for District infrastructure without prior written approval by the District. ~~Except for District purposes, grade changes should be temporary.~~
- 2) Grading. Requests to grade District Lands should be reviewed to ensure there are no unintended or negative consequences to District infrastructure (current or future) or other properties. If permitted, the Agreement should include a grade restoration plan to occur with expiration of the Agreement or as otherwise required by District. The District may, by Agreement, require the Licensee to indemnify and defend District for the consequences of permitted grade changes.

- 3) Drainage. Existing drainage across or from District Lands should be maintained. The concentration of surface or subsurface drainage within District Lands limits District use of those lands and is not permitted.

16-404 USE TABLES

- 1) Permissions. The following tables show uses that are generally permitted (**P**), may be permitted with conditions (**C**), or are not permitted (**N**). Uses not shown may be extrapolated from similar uses (e.g., a flag pole and a basketball standard), or should be considered not permitted.
- 2) Agreements for Permitted Uses. The District will review requested uses on a case-by-case basis and is not obligated to permit any third-party use of District Fee Lands or any use of District Easement Lands where such would adversely impact the District's land interest or infrastructure. See Section 16-303 to determine when agreements are required, whether a permitted (**P**) use or may be permitted with conditions (**C**) use.
- 3) Application. These use tables are intended for third-party uses within District Corridors. Third-party uses of other District Lands, including treatment plants, pump stations, and reservoirs, shall only be permitted by the Board.
- 4) Landscaping and Play Equipment

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
² Fence, concrete	N	N
² Fence, masonry block	N	N
² Fence, metal	C	P
² Fence, vinyl	C	P
² Fence, wood	C	P
Fire pit (with shutoff valve located outside District Lands)	N	C
Garden	P	P
Garden box	P	P
Landscape rock (greater than 36 inches in diameter)	N	C
Landscape rock (smaller than 36 inches in diameter)	P	P
Natural ground cover (grass, gravel, sand, mulch)	P	P
Pad, non-reinforced concrete or asphalt	N	C
Pad, reinforced concrete	N	C
Paver (free-sitting)	P	P
Play equipment (e.g., swing sets, slides, goal posts) – anchored	N	C
Play equipment (e.g., swing sets, slides, goal posts) – free-standing	N	P
Shrub (four feet or shorter at maturity)	P	P
Shrub (taller than four feet)	N	C
Shaping (edging, curbing)	P	P
Sprinkler system (with shutoff valve located outside District Lands)	P	P

Commented [AA25]: The current P&P describes these uses in paragraph format. Rather than highlight the entire table as an addition, only changes to authorization are limits are highlighted (for example, if a use was previously not permitted but is now conditional it will be shown in red).

Where the P&P states a use "should not be permitted where it would violate District rights" the use was generally listed as a C.

Commented [AA26]: This is not a change, but is important to note.

Commented [AA27]: The link to the corresponding standard specification for fences should include this verbiage from the existing P&P:

"The District recognizes the need for modest privacy fences, typically located along property lines. These fences are typically six feet or shorter and include shallow (no more than 30 inches deep) post bury depths and small footings, which serve a different purpose than the poles and footings prohibited above. Additional interior fences are discouraged."

Commented [AA28]: Previously:

"Where District interest is not fee title hard surfaces should be coordinated with the District prior to installation to ensure the same do not violate District rights (e.g., proper clearance and locating restrictions are met).

Commented [AA29]: Previously:

"Anchored equipment is not permitted if it violates District rights."

Tree (greater than 20 feet from District infrastructure, including roads)	N	P
Tree (within 20 feet of District infrastructure, including roads)	N	N
Vine	N	P
Water feature	N	N

¹ P = permitted, C = may be permitted with conditions, N = not permitted

² See corresponding Standard Specification for other requirements.

- a) In-ground improvements such as pads should be separated at the Corridor boundary to promote ease of removal without damaging portions of the hard surface outside the Corridor.

5) Roads, Driveways, and Walkways.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Amenities (e.g., signs, lights, medians, guardrails)	N	C
Curb, gutter, park strip, sidewalk	C	C
Private driveway, walkway	N	C
Private road	N	C
Public road (60° to 90° crossing of District Lands or infrastructure)	C	C
Public road (less than 60° or parallel to District Lands or infrastructure)	N	C
Public trail (motorized)	N	C
Public trail (non-motorized)	C	C

¹ P = permitted, C = may be permitted with conditions, N = not permitted

- a) Public roads are not desirable within District Lands. If public roads are allowed within District Lands, alternative traffic access must be available to accommodate rerouted traffic for times of repair or replacement of District infrastructure or other use by District of District Lands.
- b) Utilities are not considered to be part of the public road. See Section 16-7(14) for policies related to utility crossings.

~~All public roads are subject to approval by the GM on an individual basis.~~

6) Structures.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Building (including overhang), footing or foundation	N	N
Building, no footing or foundation	N	C
Carport, free-standing	N	C
Deck	N	C

Commented [AA30]: Previously:

“Public road amenities are not permitted on District fee lands or where the same would be a violation of District rights unless the GM determines the public road amenity sufficiently enhances the safety, health, or welfare of the public. Where safety, health, or welfare of the public is a factor in the installation of a public road amenity, the owner of the public road amenity should be required to coordinate design with the District to protect District Aqueducts, works, equipment, facilities, and infrastructure.”

This was translated to N for fee (use would require board authorization through an exception) and C for easement (requires EC authorization).

Commented [AA31]: Under 16-203.4 existing private driveways may be permitted (would require an exception from the board). Could be a ‘C’, but opens the door for new private driveways/walkways on fee.

Commented [AA32]: Previously:

Except for District purposes, new, primary access, private roads are not permitted on District fee land or where the same would be a violation of the rights of the District.

Commented [AA33]: Previously:

“The GM is authorized to permit, by Agreement, existing buildings that encroach or overhang Aqueduct Corridors under terms that are in the District’s interest.”

See 16-203.4 (would require an exception from the board).

Pole, post (e.g., mailbox, flag pole, light pole) (greater than 20 feet of District infrastructure, including roads)	N	P
Pole, post (e.g., mailbox, flag pole, light pole) (within 20 feet of District infrastructure, including roads)	N	C
Pool	N	N
Retaining wall, footing	N	N
² Retaining wall, non-reinforced gravity block or non-grouted rock and not supporting a structure or road	N	C
Shed, free-standing	N	C

¹ P = permitted, C = may be permitted with conditions, N = not permitted

² See corresponding Standard Specification for other requirements.

- b) Structures, where permitted or permitted with conditions, should not be connected to another structure. This will permit removal without damage to the connected structure.

7) Equipment, Materials, Animals.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Animals – boarding	N	C
Animals – temporary (e.g., grazing)	N	P
Construction Materials (i.e., staging)	N	C
Equipment (e.g., vehicles, trailers) storage and/or parking – off road	N	P
Equipment (e.g., vehicles, trailers) storage and/or parking – roads or driveways	P	P
Materials (e.g., yard waste, litter, debris)	N	P
Salvage yard	N	N

¹ P = permitted, C = may be permitted with conditions, N = not permitted

- a) Where a public road or parking area is approved by Agreement on District Fee Land, parking should be limited to reasonable uses and times. Long-term parking, or the parking of inoperable vehicles and/or equipment shall not be permitted.
- b) Whether or not permitted, the parking or storage of equipment or boarding/grazing of animals should not block District access to District infrastructure.

8) Utilities.

<i>Use Type</i>	<i>Fee¹</i>	<i>Easement¹</i>
Utilities, commercial (60° to 90° crossing of District Lands or infrastructure)	P	P
Utilities, commercial (less than 60° or parallel to District Lands or infrastructure)	N	P

Commented [AA34]: Previously:

“Existing post mailboxes may remain on District fee lands by Agreement. New post mailboxes, and all flag, light, sports, and other poles (whether or not existing) should not be permitted on District fee lands or where the rights of the District may be violated.”

Commented [AA35]: Previously:

“District staff should minimize or eliminate materials including, but not limited to, construction materials, hazardous materials, yard waste, litter, and debris, placed or stored on Aqueduct Corridors, access roads, or other access areas if it violates District’s rights or otherwise violates applicable law.”

Utilities, residential, existing	C	P
Utilities, residential, new	N	P

¹ P = permitted, C = may be permitted with conditions, N = not permitted

Commented [AA36]: Previously:

"Existing residential utilities on District fee land should only be permitted by a valid Agreement."

- a) Corrosion Protection. Metal pipes and high voltage power that are in close proximity to and may affect District infrastructure should be required to implement corrosion protection measures that provide proper protection of District infrastructure.

PART 5 APPEAL AUTHORITY AND EXCEPTIONS

16-501 APPEALS

- 1) Appeal. In the event an Applicant or Licensee disagrees with a determination related to their desired use of District Lands, the Applicant or Licensee may appeal the determination as described in this section.
- 2) Form. All appeals shall be in writing, explain in detail the bases for the appeal, and state clearly the relief sought.
- 3) Escalation. Appeals of a staff decision may be appealed to the Engineering Manager, of an Engineering Manager decision to the General Manager, and of a General Manager or EC decision to the Board.
- 4) Deadline. The written appeal must be received by the District within 30 calendar days following receipt of the decision that is being appealed. At the request of the person(s) filing the appeal, the ~~GM~~ **Engineering Manager** may extend the time for appeal upon good cause shown.

~~Appeals Raising Question to Misinterpretation of Misapplication of District Policy. To the extent an appeal appears to raise concerns that some portion of these policies were misapplied or misinterpreted, the GM shall refer that portion of the appeal to the Engineering Committee.~~

~~Appeals Seeking Modification of an Exception to District Policy. To the extent an appeal appears to request an exception to, or a modification of, some portion of these policies, the appeal will be referred to the Engineering Committee for recommendation to the Board.~~

- 5) Appeals May be Decided on Information Submitted with Appeal. The individual or body addressing an appeal has discretion to resolve the appeal with or without information beyond the written appeal.

- 6) Resolution. A Board decision may result in an exception to policy specific to the Application, a modification to this chapter thereby resolving the appeal, or further denial. If the appeal is denied, Applicant may revise and resubmit an Application for uses consistent with this chapter.

Decisions to be in Writing. Decisions will be made in writing and delivered to the person(s) filing the appeal. The District may implement electronic notification