

SALT LAKE COUNTY

**GREATER SALT LAKE METROPOLITAN SERVICES DISTRICT
MUNICIPAL SERVICES DISTRICT**

RESOLUTION NO. _____, 2015

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY, UTAH, ESTABLISHING THE POWERS, DUTIES AND RESPONSIBILITIES OF A MUNICIPAL SERVICES DISTRICT TO PROVIDE MUNICIPAL AND PUBLIC WORKS SERVICES WITHIN SALT LAKE COUNTY; DESCRIBING THE POWERS AND FUNCTIONS OF THE BOARD OF TRUSTEES; SETTING OUT DISTRICT SERVICES; SETTING OUT THE DISTRICT AREA; SETTING OUT PROVISIONS REGARDING FUNDING FOR DISTRICT SERVICES; SETTING OUT FISCAL AND BUDGETARY PROCEDURES; SETTING OUT PROVISIONS REGARDING THE CONTRACTUAL USE OF SALT LAKE COUNTY PERSONNEL, BUILDINGS, ASSETS AND OTHER RESOURCES; AND MAKING OTHER RELATED PROVISIONS AND CHANGES.

BE IT KNOWN AND REMEMBERED:

THAT, the County Council of Salt Lake County, State of Utah, met in regular session of the Council on the _____ day of _____, 2015.

WITNESS:

WHEREAS, Utah Code Ann. § 17B2a-1101, et seq, authorizes the County Council (“Council”) to create by resolution a Municipal Services District (“District”) in Salt Lake County (“County”); and

WHEREAS, a District has legal authority under State statute to provide various municipal services to residents of the unincorporated areas of the County and to metro townships and other municipalities; and

WHEREAS, the Council determines it is in the best interest of the County and its residents to create a District to provide municipal services, as described herein, to the

unincorporated areas of the County and to those metro townships, cities and towns which chose either to be a part of the District or to contract with the District for services; and

WHEREAS, the Council desires to create and delegate to a Board of Trustees (“Board”) full governance of the functions and activities of the District; and

WHEREAS, the Council desires that District activities, operations and administration be the sole responsibility of the District and its Board; and

WHEREAS, the County Council authorizes, by interlocal agreement, the District’s use of County employees to provide services on behalf of the District and the further use of County vehicles, resources, assets and buildings by the District pursuant to such an agreement; and

WHEREAS, the Salt Lake County Council has found that it is in the best interests of the citizens of Salt Lake County, the municipalities which are or may become included in or contract with the District and their residents, to make the District independent from Salt Lake County and therefore to create the District as described herein;

RESOLUTION:

NOW, THEREFORE, BE IT RESOLVED, the County Council of Salt Lake County, Utah, hereby adopts this Resolution governing the powers, activities and responsibilities of the District and provides for its independence from Salt Lake County as the Greater Salt Lake Metropolitan Services District (“the District”).

1. NAME – EFFECTIVE DATE – LEGAL POWERS AND DUTIES.

A. The District shall be named the “Greater Salt Lake Metropolitan Services District.”

B. As provided in Utah Code Ann. § 17B-1-215(4), upon the Lieutenant Governor’s issuance of a Certificate of Incorporation for the District pursuant to Utah Code Ann. § 67-1a-

6.5, the District will be created and incorporated as a municipal services district under the Municipal Services District Act.

C. The District shall exercise and be subject to all the rights, powers, duties, governance and responsibilities of a municipal services district under the provisions of Utah Code Ann. § 17B-2a-1101, *et seq.* and the Utah Constitution, Article XI, Section 8, and subject to those powers, requirements and limitations set out in state law.

2. DEFINITIONS.

A. “Board” shall mean the Board of Trustees of the District.

B. “Council” shall mean the Salt Lake County Council.

C. “County” shall mean Salt Lake County, Utah, including its various departments, divisions, agencies, and employees.

D. “District” shall mean the Greater Salt Lake Metropolitan Services District and, as appropriate in context, shall also refer to the area served and to the officers, employees and agents of the District.

E. “Services” shall mean municipal-type services, both as defined by Utah Code Annotated, Section 17B-2a-1102, and more particularly those specific services set out in paragraph 4 below.

3. BOARD OF TRUSTEES AND EXECUTIVE—GENERAL POWERS—APPOINTMENT—BYLAWS.

A. The District shall be governed by a Board of Trustees appointed for the governance of the District, as provided in Utah Code Ann. Sec. 17B-2a-1106, initially consisting of 9 members who are the 9 members of the Council. Council members shall serve as Board members for terms coinciding with their elected terms on the Council.

B. The Board shall be reconstituted, to include municipal representatives, as provided in Utah Code Ann. Sec. 17B-2a-1106, to be effective January 1, 2017.

C. The Salt Lake County Mayor shall serve as the executive of the District, as provided in Utah Code Ann. Sec. 17B-2a-1106.

D. The Board shall have the full legal authority to exercise any right, power, or authority with respect to the governance of the District and its services as provided in Utah Code Ann. §§ 17B-1-301 and 17B-2a-1106..

E. The qualifications, terms of office, specific board member powers and responsibilities shall be as provided by state law and the provisions of this Resolution. The Board shall adopt rules and regulations governing its internal activities and rules of procedure, including quorum requirements, the appointment of a chair and vice chair, meeting locations and times, meeting procedures and electronic meetings, and such other matters as necessary to the efficient conduct of its activities, all as provided by law..

F. Consistent with applicable law, The Board shall have and exercise all management authority regarding the operations of the District and shall adopt such rules, regulations and policies as are necessary, from time to time, to efficiently manage the District and its operations.

G. The Board shall be responsible to provide for the fiscal and budgetary management of the District, by the appropriate adoption of necessary rules, regulations and policies approved by the Board. The Board is further responsible for adopting the District's annual budget. District financial and budgeting activities shall be governed by applicable provisions of statute.

H. The Board shall appoint a general manager who will oversee and direct the operations and management of the District and will perform such other services and functions as may be required by the Board.

I. The Board shall appoint a Clerk who, along with other clerical duties, shall prepare and provide notice of Board meeting agendas, ensure compliance with the Open Meetings Act, attend all Board meetings and see to it that Board meetings are recorded and written minutes are maintained as required by law.

I. The Board may make recommendations, as may be appropriate from time to time, to Salt Lake County and to any municipality which receives District services, regarding the adoption of county and city ordinances which relate to Services within any municipality served by the District or the unincorporated areas of the County.

4. SERVICES.

A. The District shall provide Services, as described below and may provide other related Services pursuant to statute and other laws and based on the rules, regulations and policies adopted by the Board. Specific Services which may be provided by the District are as follows:

- i. Road and Street Construction and Maintenance, to specifically include design, construction, repair, curb, gutter, sidewalk, street lighting, traffic control lights and signage, striping, snow removal, and local storm drain construction and maintenance;
- ii. Animal Control Services;
- iii. Business and Land Use Development, to specifically include economic development and planning and zoning staff services to various planning

commissions, and shall also include business licensing, building inspection, and code violation enforcement; and

iv. Municipal Parks, to specifically include maintenance of local or neighborhood parks, as currently defined by the County.

B. The Council specifically encourages the Board to adopt rules, regulations and policies calculated to protect the County's environmental interests.

C. Any services provided by the Salt Lake County Public Works Department to any other entities, such as cities or towns which are not members of the District, pursuant to an interlocal agreement with that entity, are governed by the terms of the interlocal agreement and are not supervised or directed by the Board and do not come within the jurisdiction of the District.

5. AREA.

A. The District shall include and provide services to all of the geographic territory and areas of Salt Lake County which are not located within an incorporated municipality, as those municipalities are constituted on the District's effective date excluding those properties owned by Rio Tinto Kennecott Corporation and its subsidiaries as shown on Attachment 1, the map of the District area, and as described in Attachment 2. The District may include, in the future, such incorporated municipalities, including metro townships, which elect to annex into the District and shall include those metro townships which vote, on November 3, 2015, to be included in the District and shall not include those metro townships which vote not to be included in the District, all as reflected in the final local entity plat to be delivered to the Lieutenant Governor pursuant to Utah Code Ann. § 67-1a-6.5.

B. District boundaries may be enlarged or reduced pursuant to the provisions of State statute.

6. FUNDING DISTRICT SERVICES – UNINCORPORATED AREA SALES TAXES – INTERLOCAL AGREEMENT

A. The Services of the District shall initially be funded by the County transferring unincorporated area sales tax revenues from the County to the District pursuant to an interlocal agreement entered into between the District and the County, as provided by Utah Code Ann. Sec 11-13-101, *et seq*, the Utah Interlocal Cooperation Act.

B. The amount and specific sources of revenue transferred to the District from the County shall be determined, as needed, by the Council in consultation with the Board, and shall be set out from year to year by interlocal agreement.

C. The funding for the District may be changed, as determined by applicable State statute.

D. In satisfaction of Utah Code Ann. § 17B-1-203(2)(a)(vi), the estimated average financial impact of the creation of the District on a household within the proposed District is \$0. This may change, depending upon future funding decisions but, as of the date of adoption of this Resolution, no new fees or charges are anticipated to be required to provide the Services.

7. FISCAL PROCEDURES—BUDGET.

A. The Board shall be responsible for the direction and oversight of the fiscal management of the District and shall adopt rules, regulations and policies governing fiscal, accounting, auditing and budgeting matters. The District shall comply with all applicable state statutes, including Fiscal Procedures for Local Districts, Utah Code Ann. Sec. 17B-1-601, *et seq*.

B. Initially, the District’s fiscal year shall be January 1 to December 31, which may

be changed as provided by statute. The District, under the direction of the Board, shall adopt an annual budget and perform an annual audit, as provided by State statute.

8. PERSONNEL.

A. District Services shall be performed, provided and supervised by County employees, pursuant to an interlocal agreement entered into between the District and the County. Employees shall remain County employees for all legal purposes, including salary, rights and benefits and shall retain their respective seniority, merit status and all other conditions of County employment.

B. Pursuant to interlocal agreement, the County and District shall provide means and procedures by which any District concerns about County employee performance, including criticisms or commendations regarding employees specifically or generally, may be forwarded to and appropriately addressed by the County.

9. USE OF BUILDINGS, ASSETS AND FUNDS.

The District's use of County buildings, funds, vehicles, assets and other resources shall be governed by interlocal agreement, which shall include provisions regarding management and control, compensation, and risk of loss, among other issues.

10. ADMINISTRATIVE SERVICES.

The District's administrative and support services, including but not limited to purchasing, human resources, risk management, information services, community liaison and similar services, shall be provided by the County through interlocal agreement.

11. MISCELLANEOUS PROVISIONS.

A. The provisions of this Resolution shall be applied and interpreted to grant the greatest flexibility and autonomy to the Board, regarding the management and operations of the District, as is authorized by State law. This Resolution should, therefore, be interpreted and applied in such a way as will maximize the flexibility and autonomy of the Board and the independence of the District.

B. The means, resources and processes used by the District to provide Services may be changed from time to time, as permitted by State statute and as determined within the discretion of the Board.

C. If any provision, section or paragraph of this Resolution is found by a court of competent jurisdiction to be unlawful or unconstitutional, such finding shall not affect the other provisions and sections hereof.

D. The Council, through this Resolution, directs and requests that the County Mayor and all county officers, employees and agencies cooperate and work toward the quick and effective accomplishment of the ends of this Resolution, namely the creation of the District and its works and management, and do all that is lawfully within their power to effect the goals of this Resolution.

APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah this _____ day of _____, 2015.

By: _____
RICHARD SNELGROVE, Council Chair

ATTEST:

Sherri Swensen
Salt Lake County Clerk

Approved as to form and legality

Deputy District Attorney
Date: _____

VOTING LADDER:

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____