

ORDINANCE NO. 2012-01

**AN ORDINANCE ESTABLISHING A WATER & SEWER ADVISORY COMMITTEE
FOR THE TOWN OF HIDEOUT, UTAH**

WHEREAS, the Hideout Town Council wishes to explore the feasibility of a Water and Sewer company under the direction of Hideout Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH THAT:

1. Definitions: For the purpose of this ordinance the following words shall have meaning as given in this section:

TOWN: Means and has reference to Town of Hideout, a municipal corporation of the state of Utah.

TOWN COUNCIL: A duly elected legislative body of the Town.

COMMITTEE: The Town public utilities advisory committee.

COMMITTEE MEMBER OR MEMBERS: A person or persons appointed by the Town council of the Town who is a duly qualified and acting voting member of the committee.

MAYOR: The duly elected or appointed and qualified mayor of the Town.

PERSON: An individual.

2. Created; Composition:

There is created the Town public utilities advisory committee, hereinafter referred to as "committee", which body shall consist of five (5) appointed voting members. The mayor, the Town Engineer and the Town attorney shall be ex officio, nonvoting members.

3. Appointment; Term; Oath of Office:

All appointments and removals of members of the committee shall be made by the mayor, with the advice and consent of the Town council. In making initial appointments, the council shall designate one member to serve one year, two (2) to serve two (2) years, and two (2) to serve three (3) years. At least three (3) members, at the time of their appointment, must reside outside of the corporate limits of the Town. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a four (4) year term. Each member's term of office shall expire on the applicable third Monday in January. Each member shall perform service on a voluntary basis without compensation, and on such basis shall be immune from liability with respect to any decision or action taken during the course of those services, as provided by section 63-306-2, Utah Code Annotated, 1953, as amended, or its successor. Members of the committee shall sign the oath of office required by law to be signed by Town officials and file the same in the office of the Town recorder. Every member who shall fail within ten (10) days after notification of such member's appointment to file with the Town recorder such member's oath of office to perform faithfully, honestly and impartially the duties of his or her office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this code. Vacancies occurring in the membership of the committee shall be filled by appointment by the Town council for the unexpired term.

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4. Membership Eligibility Requirements:

A person to be eligible to be appointed as a member of the committee shall meet the following prerequisites:

- A. Be not less than twenty one (21) years of age;
- B. Be a resident of the state; and
- C. No person shall be eligible to serve on the committee as a member while actively engaged or employed in any commercial activity which sells goods or services directly to the public utilities of the Town.

5. Members' Ethics:

Members shall be subject to and bound by the provisions of the municipal officers and employees disclosure act, section 10-3-1301 et seq., Utah Code Annotated, 1953, as amended, or its successor. Any violation of the provisions of such act, or as the act shall be from time to time amended, shall be grounds for removal from office.

6. Removal from Office:

Any member of the committee may be removed from office by the board for cause, prior to the normal expiration of term for which such member was appointed.

7. Election of Committee Officers:

Each year the committee at its first regular meeting after the third Monday in January shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of chairperson during the absence or disability of the chairperson. The Mayor shall make available a secretary or the Town Clerk to the committee when required.

8. Attorney and Engineer appointed to Board:

The Town attorney and the Town Engineer shall be the attorney and engineer, respectively.

9. Meetings:

- A. The committee shall convene for regular meetings to be held not less than monthly throughout the year. The committee shall keep its meetings open to the public. Special meetings may be ordered by a majority of the committee, the chairperson or the mayor. The order for a special meeting must be signed by the members, chairperson, mayor or council person calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. The notice shall be served personally or left at the member's residence or business office. The committee may also hold executive sessions, for the purpose of

discussing sensitive matters such as negotiations or personalities, at such time as the committee shall determine, which may not be open to the public; provided, however, no resolution, rule or regulation shall be finally approved at such executive session and such sessions shall be held infrequently as it is recognized that almost all issues are to be discussed in public. Meetings shall be held at the office of the director of public utilities or at such other public place as may be designated by the committee. Three (3) members of the committee shall constitute a quorum for the transaction of business. The committee may act officially by an affirmative vote of any of the three (3) members. A member of the committee may attend the meeting electronically and participate in the proceedings electronically.

- B. The committee shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director of public utilities. The committee shall record in the record the ye and nay votes on the voting of any action taken by it.
- C. The committee shall adopt a system of rules of procedure under which its meetings are to be held. The committee may suspend the rules of procedure by unanimous vote of the members of the committee who are present at the meeting. The committee shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of the rules occurs.

10. Committees:

The committee may designate such subcommittee or subcommittees as it desires to study, consider and make recommendations on matters which are presented to the committee. Subcommittee members may be members, but the committee shall have the power to appoint such subcommittee members as it deems appropriate and advisable even though they may not be members.

11. Power and Duties:

The committee shall have the following powers and duties:

- A. To annually review the department's water and sewer system capital improvements program;
- B. To review annually the department's operations and maintenance budget and expenditures;
- C. Annually review the water and sewer revenue requirements and recommend to the mayor any rate adjustments as they deem necessary;
- D. Review and make recommendations on proposed legislation relating to water and sewer;
- E. Consult with the mayor relative to water resources and sewage reclamation requirements;
- F. The power to determine and establish such rules and regulations for the conduct of the committee as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or any other Town, state or federal law;

- G. To adopt and alter all rules and regulations which it shall from time to time deem in the public interest and most likely to advance, enhance, foster and promote the public utility systems of the Town and for the purposes of carrying out the objects of this chapter; but such rules and regulations shall not be in conflict with the terms of this chapter or any other Town ordinance, state or federal law;
- H. Assist the public utilities director in every way possible for the continuing orderly development and operation of the public utility systems of the Town in order to best serve the users thereof;
- I. Hear and decide appeals arising from decisions granting or denying a riparian protection permit.

12. Review of Action; Veto Power of the Mayor:

Except for appeals regarding riparian protection permits, all action taken by the committee shall constitute recommendations to the mayor and shall not constitute official action. All action shall be reduced to writing and submitted to the Town Clerk's office for presentment to the mayor. The Town Clerk shall present the same to the mayor. The mayor shall have the power to review, ratify, modify or veto any action submitted by the committee. The Town clerk shall promptly notify the committee in writing of the action taken by the mayor. No action shall be implemented until the committee is notified in writing that it has been ratified by the mayor, or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified. In the event the mayor shall desire to hold any matter for further study, the chairperson of the committee shall be notified. Action will take effect only upon ratification by the mayor.

13. Effective Date:

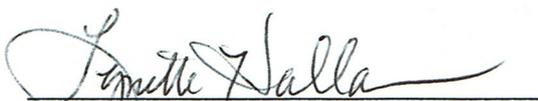
This ordinance shall become effective immediately upon posting.

PASSED AND ADOPTED by the Town Council of Hideout, Utah this day of .



Bob Martino, Mayor

ATTEST:


Lynette Hallam, Town Clerk