



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, January 11, 2023 at 6:00 PM

AGENDA

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Wednesday, January 11, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Andy McGinnis

Board Members | Frank Lindhardt | Harrold Merritt | Ross Gregerson | Jarry Zaharias |

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88667363731>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 886 6736 3731

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Board Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

1. Disbursement Listing for October 2022 and December 2022.
2. Budget Report for Fiscal Year 2023 through October 2022.
3. Budget Report for Fiscal Year 2023 through December 2022.

APPROVAL OF MINUTES

4. Minutes: December 14, 2022.

CHAIRMAN | WATER SUPERINTENDENT REPORT

ENGINEERING

DISCUSSION AND ACTION

5. **Discussion and Action:** Consider approval of 2023 Annual Meeting Schedule.
6. **Discussion and Action:** Consider approval of request to sublease BLM/Wilderness leased agreement - Spring#1 and #2. Applicant: Kenstal LLC.
7. SSD District Training Video-Test to be taken after the meeting is adjourned.

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Big Plains Water & Sewer Special Service District
Disbursement Listing
Checking - SBSU - 10/01/2022 to 10/31/2022

Item 1.

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Apple Valley Storage, LLC	AVS10032022	10/03/2022	\$95.00			Purchasing
Superior Technical Solutions	STS10032022	10/03/2022	\$45.00			Purchasing
City of St. George	1260	10/04/2022		10/04/2022	\$45.00	Purchasing
Adobe	A1052022	10/04/2022	\$256.07			Purchasing
State Bank of Southern Utah	SBSU10062022	10/06/2022	\$348.73			Purchasing
	1007221200	10/07/2022	\$1,672.18			Paycheck
Washington County Recorder	1259	10/07/2022	\$40.00			Purchasing
Internal Revenue Service	EFTPS1007202	10/07/2022	\$470.50			Payroll
Health Equity	HE10072022	10/07/2022	\$134.62			Payroll
Utah Retirement Systems	URS10072022	10/07/2022	\$374.49			Payroll
City of St. George	1261	10/11/2022	\$45.00			Purchasing
Internal Revenue Service	EFTPS1007202	10/11/2022		10/11/2022	\$470.50	Payroll
Utah Retirement Systems	URS1002022	10/11/2022		10/11/2022	\$374.49	Payroll
Utah Division of Water Rights	1262	10/12/2022	\$200.00			Purchasing
Town of Apple Valley	1263	10/12/2022	\$2,167.18			Purchasing
Department of Workforce Services	DWS101222	10/12/2022	\$43.76			Purchasing
Utah State Tax Commission	USTC101222	10/12/2022	\$628.39			Payroll
Revco Leasing	1264	10/13/2022	\$151.20			Purchasing
Utah Local Governments Trust	1265	10/13/2022	\$5,907.41			Purchasing
TXFR accum impact fees to PTIF - 3rd Q		10/14/2022	\$12,000.00			JE: 303
USDA Rural Development	1267	10/17/2022		10/17/2022	\$10,540.00	Purchasing
USDA Rural Development	USDA10172022	10/17/2022	\$1,269.00			Purchasing
USDA Rural Development	USDA10172022	10/17/2022	\$9,271.00			Purchasing
Ruesch & Reeve	1266	10/18/2022	\$3,175.00			Purchasing
Galloway & Company	1269	10/20/2022	\$9,750.00			Purchasing
	1021221200	10/21/2022		10/21/2022	\$1,672.18	Paycheck
	1021221200	10/21/2022		10/21/2022	\$1,672.18	Paycheck
	1021221200	10/21/2022	\$1,672.18			Paycheck
Public Employees Health Program	1268	10/21/2022	\$566.99			Payroll
Ace Hardware	AH10212022	10/21/2022	\$68.94			Purchasing
Health Equity	HE10202022	10/21/2022	\$134.62			Payroll
Rocky Mountain Power Company	RMO10252022	10/21/2022		10/21/2022	\$2,080.62	Purchasing
Rocky Mountain Power Company	RMP10212022	10/21/2022	\$2,080.62			Purchasing
Utah Retirement Systems	URS10202022	10/21/2022	\$374.49			Payroll
Internal Revenue Service	URS10212022	10/21/2022	\$470.50			Payroll
Ace Hardware	AH10212022	10/25/2022		10/25/2022	\$68.94	Purchasing
Public Employees Health Program	ADJ1	10/31/2022	\$0.00			Payroll
			\$53,412.87		\$16,923.91	

Big Plains Water Special Service District
Disbursement Listing
Checking - SBSU - 12/01/2022 to 12/31/2022

Item 1.

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Revco Leasing	1288	12/01/2022	\$151.20			Purchasing
Superior Technical Solutions, LLC	STS12022022	12/01/2022	\$98.21			Purchasing
Payroll	1202221200	12/02/2022	\$1,672.18			Paycheck
Public Employees Health Program	1287	12/02/2022	\$566.99			Payroll
Internal Revenue Service	EFTPS1202202	12/02/2022	\$470.50			Payroll
Health Equity	HE12022022	12/02/2022	\$134.62			Payroll
Utah Retirement Systems	URS12022022	12/02/2022	\$374.49			Payroll
City of St. George	1291	12/05/2022	\$60.00			Purchasing
Apple Valley Storage, LLC	AVS12052022	12/05/2022	\$95.00			Purchasing
Health Equity	HE12082022	12/08/2022	\$2.25			Purchasing
Progressive Contracting Inc.	1290	12/12/2022	\$8,000.00			Purchasing
Galloway & Company, Inc.	1292	12/13/2022	\$2,038.75			Purchasing
Galloway & Company, Inc.	1293	12/13/2022	\$2,945.00			Purchasing
Galloway & Company, Inc.	1294	12/13/2022	\$3,950.00			Purchasing
Ruesch & Reeve	1298	12/14/2022	\$2,930.00			Purchasing
Horrocks Engineers, Inc.	1295	12/15/2022		12/15/2022	\$6,600.00	Purchasing
Horrocks Engineers, Inc.	1296	12/15/2022	\$6,600.00			Purchasing
USDA Rural Development	USDA12152022	12/15/2022	\$1,269.00			Purchasing
USDA Rural Development	USDA12152022	12/15/2022	\$9,271.00			Purchasing
USDA Rural Development	USDA12152022	12/15/2022		12/15/2022	\$10,540.00	Purchasing
Payroll	1216221200	12/16/2022	\$1,672.18			Paycheck
Public Employees Health Program	1297	12/16/2022	\$287.70			Payroll
Internal Revenue Service	EFTPS1216202	12/16/2022	\$470.50			Payroll
Health Equity	HE12162022	12/16/2022	\$134.62			Payroll
Utah Retirement Systems	URS12162022	12/16/2022	\$374.49			Payroll
Master Meter, Inc.	1302	12/18/2022	\$1,750.00			Purchasing
Intuit Inc.	DEBIT1219202	12/19/2022	\$183.47			Purchasing
Harris, Dale E.	X999	12/19/2022	\$0.00			Paycheck
State Bank of Southern Utah	VISA12212022	12/21/2022	\$321.55			Purchasing
Utah State Division of Finance	1300	12/22/2022	\$85,000.00			Purchasing
Rocky Mountain Power Company	RMP12232022	12/23/2022	\$1,371.39			Purchasing
Department of Workforce Services	DWS122922	12/29/2022	\$6.03			Purchasing
Payroll	1230221200	12/30/2022	\$1,672.18			Paycheck
Hinton Burdick CPA's	1299	12/30/2022	\$4,200.00			Purchasing
Public Employees Health Program	1301	12/30/2022	\$279.29			Payroll
Internal Revenue Service	EFTPS1230202	12/30/2022	\$470.50			Payroll
Health Equity	HE123022	12/30/2022	\$134.62			Payroll
Utah State Tax Commission	USTC122722	12/30/2022	\$629.01			Payroll
			\$139,586.72		\$17,140.00	

Big Plains Water & Sewer Special Service District

Operational Budget Report

51 Big Plains Water & Sewer SSD - 07/01/2022 to 10/31/2022

33.33% of the fiscal year has expired

Item 2.

	Prior YTD	Current Month	Current YTD	Annual Budget	Percent Used
Income or Expense					
Income From Operations:					
Operating income					
5140 Water Sales	114,756.29	28,528.34	126,700.32	378,000.00	33.52%
5150 Water Standby Fees	8,894.54	3,093.32	12,812.76	34,840.00	36.78%
5310 Connection Fees	11,156.26	1,600.00	3,430.00	9,000.00	38.11%
5410 Late Penalties and Fees	0.00	301.49	1,448.37	15,000.00	9.66%
5490 Other Operating Income	150.00	(658.64)	5,828.68	2,250.00	259.05%
Total Operating income	134,957.09	32,864.51	150,220.13	439,090.00	34.21%
Operating expense					
6010 Clerical Contractor Labor	(4,120.08)	0.00	0.00	0.00	0.00%
6011 Town Interlocal Agreement Costs	0.00	2,167.18	2,413.23	15,336.00	15.74%
6013 Water Salaries and Wages	19,398.00	6,252.00	18,756.00	55,000.00	34.10%
6014 Water Benefits	17,726.07	2,180.50	7,842.11	37,051.00	21.17%
6016 Admin Benefits	2,106.17	0.00	0.00	0.00	0.00%
6021 Public Postings	0.00	0.00	0.00	400.00	0.00%
6023 Travel/Fuel	0.00	0.00	0.00	800.00	0.00%
6024 Training	0.00	0.00	295.00	700.00	42.14%
6025 Books/Subscriptions/Memberships	0.00	0.00	0.00	2,800.00	0.00%
6030 Admin Supplies and Expenses	1,265.72	761.21	1,849.81	3,500.00	52.85%
6032 Postage	0.00	0.00	0.00	700.00	0.00%
6035 Bank Service Charges	32.00	0.00	0.00	100.00	0.00%
6040 Professional Service	4,071.34	9,750.00	14,069.25	7,500.00	187.59%
6043 Accounting & Audit Fees	3,678.21	0.00	0.00	12,000.00	0.00%
6044 Water Testing	1,914.00	80.76	1,612.73	7,800.00	20.68%
6045 Legal Fees	0.00	3,175.00	4,732.85	7,500.00	63.10%
6050 System Maintenance and Repairs	285.00	86.28	86.28	7,500.00	1.15%
6051 System Equipment	1,314.13	95.00	3,164.07	11,100.00	28.51%
6052 Well Maintenance and Repairs	249.00	0.00	18,259.44	7,500.00	243.46%
6053 Tank Maintenance and Repairs	0.00	0.00	85.16	11,500.00	0.74%
6060 Equipment Costs other than Fuel	3,252.43	0.00	748.72	3,500.00	21.39%
6061 Equipment Fuel	306.66	333.85	1,405.39	3,500.00	40.15%
6067 Utilities	10,383.47	2,080.62	6,176.18	24,200.00	25.52%
6070 Insurance	4,289.12	5,907.41	5,907.41	5,000.00	118.15%
6095 Depreciation Expense	45,021.40	11,255.35	45,021.40	135,065.00	33.33%
Total Operating expense	111,172.64	44,125.16	132,425.03	360,052.00	36.78%
Total Income From Operations:	23,784.45	(11,260.65)	17,795.10	79,038.00	22.51%
Non-Operating Items:					
Non-operating income					
5510 Grants	0.00	0.00	0.00	1,140,000.00	0.00%
5520 Impact Fees	53,027.00	12,000.00	22,894.09	120,000.00	19.08%
5610 Interest Income	129.61	619.27	1,931.17	500.00	386.23%
5690 Sundry Revenue	1,649.79	0.00	0.00	100.00	0.00%
Total Non-operating income	54,806.40	12,619.27	24,825.26	1,260,600.00	1.97%
Non-operating expense					
6080 Interest Expense	32,381.10	7,152.67	25,396.89	85,528.00	29.69%
Total Non-operating expense	32,381.10	7,152.67	25,396.89	85,528.00	29.69%
Total Non-Operating Items:	22,425.30	5,466.60	(571.63)	1,175,072.00	-0.05%
Total Income or Expense	46,209.75	(5,794.05)	17,223.47	1,254,110.00	1.37%

Big Plains Water Special Service District
Operational Budget Report
51 Big Plains Water & Sewer SSD - 07/01/2022 to 12/31/2022
50.00% of the fiscal year has expired

Item 3.

	Prior YTD	Current Month	Current YTD	Annual Budget	Percent Used
Income or Expense					
Income From Operations:					
Operating income					
5140 Water Sales	188,307.27	24,231.27	177,513.36	378,000.00	46.96%
5150 Water Standby Fees	21,725.82	2,989.00	18,888.76	34,840.00	54.22%
5310 Connection Fees	9,600.00	0.00	5,030.00	9,000.00	55.89%
5410 Late Penalties and Fees	0.00	149.85	1,827.14	15,000.00	12.18%
5490 Other Operating Income	150.00	0.00	5,828.68	2,250.00	259.05%
Total Operating income	219,783.09	27,370.12	209,087.94	439,090.00	47.62%
Operating expense					
6010 Clerical Contractor Labor	(5,660.08)	0.00	0.00	0.00	0.00%
6011 Town Interlocal Agreement Costs	0.00	0.00	2,413.23	15,336.00	15.74%
6013 Water Salaries and Wages	29,162.07	4,168.00	27,092.00	55,000.00	49.26%
6014 Water Benefits	23,396.18	1,777.39	11,506.11	37,051.00	31.05%
6021 Public Postings	0.00	0.00	0.00	400.00	0.00%
6023 Travel/Fuel	0.00	0.00	2,565.40	800.00	320.68%
6024 Training	0.00	0.00	295.00	700.00	42.14%
6025 Books/Subscriptions/Memberships	1,500.00	1,750.00	1,750.00	2,800.00	62.50%
6030 Admin Supplies and Expenses	2,519.32	432.88	2,604.87	3,500.00	74.42%
6032 Postage	0.00	0.00	0.00	700.00	0.00%
6035 Bank Service Charges	48.00	0.00	0.00	100.00	0.00%
6040 Professional Service	5,476.59	6,895.00	26,418.25	7,500.00	352.24%
6043 Accounting & Audit Fees	6,100.00	4,200.00	4,200.00	12,000.00	35.00%
6044 Water Testing	4,214.00	60.00	2,439.66	7,800.00	31.28%
6045 Legal Fees	0.00	2,930.00	9,312.85	7,500.00	124.17%
6050 System Maintenance and Repairs	736.25	8,000.00	9,082.27	7,500.00	121.10%
6051 System Equipment	2,731.36	95.00	3,354.07	11,100.00	30.22%
6052 Well Maintenance and Repairs	0.00	0.00	23,758.50	7,500.00	316.78%
6053 Tank Maintenance and Repairs	0.00	0.00	985.16	11,500.00	8.57%
6060 Equipment Costs other than Fuel	6,314.86	43.43	792.15	3,500.00	22.63%
6061 Equipment Fuel	1,420.07	278.12	1,855.62	3,500.00	53.02%
6067 Utilities	13,470.16	1,371.39	9,089.01	24,200.00	37.56%
6070 Insurance	4,234.06	0.00	5,907.41	5,000.00	118.15%
6095 Depreciation Expense	67,532.10	11,255.35	67,532.10	135,065.00	50.00%
Total Operating expense	163,194.94	43,256.56	212,953.66	360,052.00	59.15%
Total Income From Operations:	56,588.15	(15,886.44)	(3,865.72)	79,038.00	-4.89%
Non-Operating Items:					
Non-operating income					
5510 Grants	0.00	0.00	0.00	1,140,000.00	0.00%
5520 Impact Fees	39,976.00	0.00	22,894.09	120,000.00	19.08%
5610 Interest Income	198.56	774.03	3,426.40	500.00	685.28%
5690 Sundry Revenue	0.00	0.00	0.00	100.00	0.00%
Total Non-operating income	40,174.56	774.03	26,320.49	1,260,600.00	2.09%
Non-operating expense					
6080 Interest Expense	46,893.49	7,132.59	39,672.13	85,528.00	46.38%
Total Non-operating expense	46,893.49	7,132.59	39,672.13	85,528.00	46.38%
Total Non-Operating Items:	(6,718.93)	(6,358.56)	(13,351.64)	1,175,072.00	-1.14%
Total Income or Expense	49,869.22	(22,245.00)	(17,217.36)	1,254,110.00	-1.37%



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, December 14, 2022 at 6:00 PM

MINUTES

Chairman | Andy McGinnis

Board Members | Frank Lindhardt | Harrold Merritt | Ross Gregerson | Jarry Zaharias |

CALL TO ORDER- Chairman McGinnis called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE- Led by Board Member Lindhardt.

ROLL CALL

PRESENT

Chairman Andy McGinnis

Board Member Frank Lindhardt

Board Member Harold Merritt

Board Member Jarry Zaharias

ABSENT

Board Member Ross Gregerson- Excused by Chairman McGinnis due to being out of town.

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Disbursement Listing for November 2022.

Chairman McGinnis asked the Board Members if they have had an opportunity to review.

Board Member Lindhardt commented the interest income is up by 535%, keep that going. He has no questions.

MOTION: Board Member Lindhardt motioned that we approve the Disbursement Listing for November 2022.

SECOND: The motion was seconded by Board Member Merritt.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye

Board Member Zaharias – Aye

Board Member Lindhardt- Aye

Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

2. Budget Report for Fiscal Year 2023 through November 2022.

The Board has no questions.



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, December 14, 2022 at 6:00 PM

MINUTES

MOTION: Board Member Lindhardt motioned to approve the Budget Report for Fiscal Year 2023 through November 2022.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Board Member Lindhardt- Aye
Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

3. Approval of Minutes: November 9, 2022.

Board Member Lindhardt commented he was absent.

Board Member Merritt commented on item 8, attorney Ben Ruesch made some comments about corrections that were mostly clerical in nature. Town Administrator Jauna McGinnis stated they were already addressed in the motion of the minutes.

MOTION: Board Member Merritt motioned to approve the minutes as presented from November 9, 2022.

SECOND: The motion was seconded by Board Member Zaharias.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye
Board Member Zaharias – Aye
Board Member Lindhardt- Abstain
Chairman McGinnis - Aye

The vote was three aye and one abstain and the motion carried 3-1.

CHAIRMAN REPORT

4. Water Usage Analysis

Chairman reported update from earlier in the year, June, July, September, and October 2022 versus 2021 the community saved 3 million gallons. Well done to the community in the summer shortage of water. Town Administrator Jauna McGinnis commented we had a lot of rain in August. Chairman



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, December 14, 2022 at 6:00 PM

MINUTES

McGinnis reported on some other projects. Canaan Springs phase one, construction portion is completed. They took USDA to the location today. This project is in the final stages including payment for the contractor. The Cedar Point pipeline came back with request from the USDA for an environmental impact study. This is another hoop to jump through to move the pipeline forward. There will be a person or company requested to do that for us around \$6,000 to complete that report. This will need to be discussed with our accountant. Board Member Lindhardt asked if that pipeline is along the highway. Chairman McGinnis answered, yes sir. Board Member Merritt commented about another project in Toquerville that required six impact studies. Board Member Merritt commented about the State shutting down due to budget not being finalized by the Congress. Chairman McGinnis reported on Well 59. The sample taken was barely over the minimum and we are waiting on results for the new samples that were taken. Board Member Gregerson is currently looking into pricing and procurement of the electronics and pumps as well as all the stuff needed for the well house for Rock well. Piping tie in and a dedicated line from the wells to the tank was discussed. Board Member Lindhardt asked if this would help with the sulfur smell. Chairman answered yes because all the water will be sent to the detention tank rather than directly into people's homes. The goal is to get it up before summer and this will be another source for the system that will allow us to rotate wells for maintenance.

WATER SUPERINTENDENT REPORT

Chairman McGinnis excused Dale Harris due to being out of town.

ENGINEERING REPORT

Chairman McGinnis commented he reported on engineering in his report earlier.

DISCUSSION AND ACTION

5. **Discussion and Action:** Consider approval of request to sublease BLM/Wilderness leased agreement - Spring#1 and #2. Applicant: Kenstal LLC.

Chairman McGinnis commented applicant has requested to table to January meeting for lawyer and other supporting people to be there when she presents the request.

6. **Discussion and Action:** Nominate Co-Chairman.

Chairman McGinnis commented this is needed to happen in case the Chairman is unavailable. He asked if there are any volunteers. Board Member Zaharias nominated Board Member Merritt and Board Member Merritt accepted.



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, December 14, 2022 at 6:00 PM

MINUTES

MOTION: Board Member Zaharias motioned that we appoint Harrold Merritt co-chairman of the Big Plains Water Special Service District.

SECOND: The motion was seconded by Board Member Lindhardt.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Abstain

Board Member Zaharias – Aye

Board Member Lindhardt- Aye

Chairman McGinnis - Aye

The vote was three aye and one abstain and the motion carried 3-1.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

MOTION: Board Member Zaharis motioned to adjourn the meeting.

SECOND: The motion was seconded by Board Member Lindhardt.

VOTE: Chairman McGinnis called for a vote:

Board Member Merritt - Aye

Board Member Zaharias – Aye

Board Member Lindhardt- Aye

Chairman McGinnis - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:21 p.m.



BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, December 14, 2022 at 6:00 PM

MINUTES

Date Approved: _____

Approved BY: _____

Chairman | Andy McGinnis

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

DRAFT



1777 N. Meadowlark Dr, Apple Valley, Utah 84737
Phone: 435-877-1190 Fax: 435-877-1192
www.applevalleyut.gov

Chairman Andy McGinnis
Board Member Frank Lindhardt
Board Member Harold Merritt
Board Member Ross Gregerson
Board Member Jarry Zaharias

Item 5.

Big Plains Water Special Service District 2023 Annual Meeting Schedule

Big Plains Water Special Service District
2023 Annual Meeting Schedule

Notice Date & Time: 1/1/2023-12/31/2023 11:59 PM

Description/Agenda:

2023 ANNUAL MEETING SCHEDULE OF THE TOWN OF APPLE VALLEY

Public Notice is hereby given that the 2023 Annual Meeting Schedule of the Big Plains Water Special Service District of Apple Valley has been updated and shall be as follows:

Regular Meetings of the Big Plains Water Special Service District of Apple Valley will be held during the year 2023 at 6:00 p.m. on the second Wednesday of each month, unless otherwise specified, at the Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737.

Wednesday, January 11, 2023
Wednesday, February 8, 2023
Wednesday, March 8, 2023
Wednesday, April 12, 2023
Wednesday, May 10, 2023
Wednesday, June 14, 2023
Wednesday, July 12, 2023
Wednesday, August 9, 2023
Wednesday, September 13, 2023
Wednesday, October 11, 2023
Wednesday, November 8, 2023
Wednesday, December 13, 2023

Other meetings scheduled, in addition to those specified herein, shall be held or canceled as circumstances require. An agenda of each meeting will be posted at:

Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737

Town of Apple Valley Website: <https://www.applevalleyut.gov/>

State of Utah Public Notice Website: <https://www.utah.gov/pmn/index.html>

Notice of Special Accommodations:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Notice of Electronic or telephone participation: In accordance with state statute, one or more council members may be connected via speakerphone.

Other information:

Location: 1777 N Meadowlark Dr., Apple Valley, 84737

Contact information:

Jenna Vizcardo, clerk@applevalleyut.gov, (435)877-1190



Big Plains Water and Sewer Special Service District
1777 N Meadowlark Dr, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

Item 6.

APPLICATION TO APPEAR BEFORE THE BOARD OF DIRECTORS

Date of board meeting for this agenda item to appear 11-9-2022

Paperwork returned by _____ (Date) _____

Name of Applicant: Kenstal LLC (land)

Mailing Address: [REDACTED]

Phone [REDACTED]

Purpose of Request:

REQUEST TO SUBLEASE BLM/WILDERNESS LEASED EASEMENT- SPRING #1 AND #2 .

Lease negotiable with contingencies - to assure water is available (could be seasonal that water is available). Kenstal would like to sublet until the SSD desires to develop springs #1 & #2, at that time we can dissolve the agreement or, if need re-negotiate. Kenstal will remove existing black pipe and other existing equipment from Canaan Mountain after agreements ends.

NEED TIME FOR SUB PRESENTATION

Kendra Webb

Applicant Signature

Note: Final approval of this application is subject to all necessary paperwork being submitted no later than 1:00 p.m. on Wednesday, one week prior to the regularly scheduled meeting. All visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

Chairman of the Board of Directors

Date

SSD Administration

Date



Bruce C. Jenkins, Managing Partner, CCAL†+
 Carson B. Bagley, Partner+*
 Quinn A. Sperry, Partner+
 Kimball A. Forbes, Partner+*
 Christopher J. Robison, Associate+
 Richard M. Matheson, Of Counsel+

www.jenkinsbagleysperry.com

BCJ@jenkinsbagley.com
CBB@jenkinsbagley.com
QAS@jenkinsbagley.com
KAF@jenkinsbagley.com
CJR@jenkinsbagley.com
RMM@jenkinsbagley.com

†College of Community Association Lawyers
 +Licensed in Utah
 *Licensed in Nevada

November 2, 2022

Hand delivered

Board of Directors
 Big Plains Water and Sewer Special Service District
 1777 N Meadowlark Dr.
 Apple Valley, Utah 84737

Re: Request to Sublease Canaan Springs 1 and 2 under BLM Lease

Dear Board of Directors:

Our law firm is pleased to represent Kenstal, LLC, which owns land in Apple Valley, Utah. The primary owners of Kenstal are three of Merlin Webb's children, and they own substantial water rights located in the area of the springs on Canaan Mountain, which as you know, are on federal land managed by the Bureau of Land Management ("BLM"). As you may know, in the 1970s, Merlin Webb purchased land next to the BLM land and acquired a lease from the BLM to access the springs. Mr. Webb developed access to a number of the springs and formed the Canaan Springs Water Company.

In 2010, the federal government designated Canaan Mountain as wilderness area, requiring Merlin Webb to enter into a new lease agreement with the BLM. A copy of that lease (*Culinary/Irrigation Water System Lease* ("Lease")) is enclosed as Attachment 1. Because of the restrictions on access to wilderness area, the Lease limited Mr. Webb's access to all but five springs (the "Springs"). Specifically, the Lease provides access to the Springs as "spring water collection wells," identifies them as wells 1–5, and describes the pipeline conveying water from each Spring. Figure 1 of the Lease is a map showing the Springs numbered 1–5, and the locations of the pipes from each Spring.

In 2018, the Big Plains Water and Sewer Special Service District ("District") purchased the Canaan Springs Water Company, and in 2019, Mr. Webb's lease was assigned to the District. A copy of the lease assignment is enclosed as Attachment 2.

St George Office

285 W. Tabernacle, Suite 301
 St George, UT 84770
 Tel: 435.656.8200
 Fax: 435.656.8201

Salt Lake Office

4141 S. Highland Dr., Suite 225
 Salt Lake City, UT 84124
 Tel: 801.613.2025

Richfield Office, By appointment

It is our understanding that the District is currently using Springs 3–5 and the corresponding pipeline areas but that the District has never used Springs 1 or 2 or the corresponding pipeline areas for those Springs. Kenstal desires to enter into a sublease with the District to allow Kenstal to access Springs 1 and 2 and the corresponding pipeline areas, including the several thousand feet of two-inch above-ground pipes installed to convey water from Springs 1 and 2.

Kenstal contacted the Realty Specialist at the St. George BLM Field Office about whether the BLM would allow a sublease, and the Realty Specialist's responded that she was not aware of anything in the Code of Federal Regulations that prohibited subleasing. *See* <https://www.ecfr.gov/current/title-43/subtitle-B/chapter-II/subchapter-B/part-2920>.

Kenstal is specifically proposing to sublease Springs 1 and 2 until the District decides to use the two Springs. Kenstal will pay the District a yearly amount to sublease access to Springs 1 and 2. Accompanying this letter is an Application to Appear Before the Board of Directors at the Board's November 9, 2022 meeting. Kenstal would like to discuss this matter with the Board at that meeting.

Thank you for your time and consideration of this matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,
JENKINS BAGLEY SPERRY, PLLC

A handwritten signature in black ink, appearing to read 'Kimball A. Forbes', written in a cursive style.

Kimball A. Forbes
Attorneys for Kenstal, LLC

Attachment 1

**Culinary/Irrigation Water System Lease
March 2010**

**UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT**

**MERLIN WEBB
CULINARY/ IRRIGATION WATER SYSTEM LEASE**

SECTION 1 – BASIC AGREEMENT

The United States of America, acting through the authorized officer, Bureau of Land Management, hereby leases to Merlin Webb, 3659 E. Canaan Ranch Road, Apple Valley, Utah 84737, called the lessee, the following described public land for 20 years from and after March 10, 2010, to be used by the lessee for the following:

- 5 spring water collection wells, 50 ft. X 50 ft. = .057 acres each
- 2 inch above ground irrigation pipeline conveying water from well #1, 980 ft. X 15 ft. = .33 acres
- 2 inch above ground irrigation pipeline conveying water from well #2, 1060 ft. X 15 ft. = .36 acres
- 2 inch above ground irrigation pipeline conveying water from wells #1 and 2, 4530 ft. X 15 ft. = 1.56 acres
- 12 inch buried culinary water pipeline conveying water from well #3, 1340 ft. X 15 ft. = .46 acres
- 12 inch buried culinary water pipeline conveying water from well #4, 1345 ft. X 15 ft. = .46 acres
- 12 inch buried culinary water pipeline conveying water from well #5, 420 ft. X 15 ft. = .14 acres
- 12 inch buried culinary water pipeline conveying water from wells #3,4,5, 4565 ft. X 15 ft. = 1.57 acres

The leased area contains approximately 5.16 acres and is located as follows:

Salt Lake Meridian

T. 43 S., R. 10 W.,

sec. 7, SE $\frac{1}{4}$;

sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

This lease is issued under the authority of Sections 302, 303, and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1733, and 1740) and is subject to the terms and conditions and rental payments as set forth in 43 CFR 2920.

SECTION 2 – RENT

Holders of a land use authorization shall pay annually, in advance, a rental as determined by the authorized officer. The rental shall be based upon the fair market value of the rights authorized in the land use authorization.

The rental fees required by this section are payable when due, and a late charge of 1 percent per month of the unpaid amount or \$15 per month, whichever is greater, shall be assessed if subsequent billings are required. Failure to pay the rental fee in a timely manner is cause for termination of the land use authorization.

SECTION 3 – RESTRICTIONS ON USE

The lessee agrees:

Reclaim surface disturbance at well #3. No re-contouring of the terrain would be allowed. Seeding the disturbed area with native species would be required. Seed would be spread on the disturbed area, including the portion of road within the designated wilderness and would be performed with a hand held spreader. The seed would then be hand raked into the soil. Seeding would take place in both the spring and fall. BLM staff will monitor the reclamation and determine if future seeding is necessary. The following seed mix will be used in reclamation:

Seed Mix

Species	Pounds per Acre
Sandsage (<i>Artemisia filifolia</i>)	¼
Four winged Saltbush (<i>Atriplex canescens</i>)	2
Sideoats grama (<i>Bouteloua curtipendula</i>)	1
Western wheatgrass (<i>Pascopyrum smithii</i>)	1
Muttongrass (<i>Poa fendleriana</i>)	½
Indian ricegrass (<i>Achnatherum hymenoides</i>)	1
Desert needlegrass (<i>Achnatherum speciosum</i>)	1
Sand dropseed (<i>Sporobolus cryptandrus</i>)	¼
Lewis flax (<i>Linum lewisii</i>)	1
Galleta (<i>Hilaria jamesii</i>)	1

Future maintenance of the springs and pipelines in wilderness would be described as follows:

Regularly Scheduled Maintenance

1. Maintenance activities that require no motorized access do not need prior authorization.
2. Maintenance activities that require motorized access require notification of the BLM Lands and Realty staff a minimum of two weeks in advance of the proposed work. Telephone notification is acceptable and the following information should be provided:
 - a. Date that maintenance would take place.

- b. Type of maintenance to be performed.
- c. Motor vehicles that would be used for access
- d. Tools that would be used
- e. Motorized access should be the minimum necessary. Example: a full-size vehicle should not be used if the maintenance can be accomplished using an ATV.

Emergency Maintenance

An emergency is defined as a disruption of the water delivery system that requires immediate repair. Prior authorization is not required in an emergency situation, but BLM Lands and Realty staff should be notified as soon as practical after emergency operations have commenced. Even in an emergency, the proponent should use the minimum number of motorized/mechanized tools and vehicles to accomplish the repairs.

All spring sites would be limited to a 50 ft. X 50 ft. area. The 50 ft. X 50 ft. area is the minimum area required by the State of Utah Division of Drinking Water for water protection. All disturbed areas outside of the 50 ft. X 50 ft. areas would be reclaimed and seeded. Disturbance associated with future maintenance of the spring and pipelines outside of wilderness will be kept to a minimum and confined to the right-of-way area. All disturbed areas will be reclaimed and seeded to BLM's specifications.

Observe all Federal, State, county and other laws, regulations, and ordinances which are applicable to the land use authorization.

To comply with all applicable regulations contained in Title 43 CFR, Part 2920.

To use the public lands only for the purposes specified in the lease.

Shall cease construction and maintenance activities and immediately notify the authorized officer if cultural and/or paleontological resources, including human remains are discovered. Work would not resume on that portion of the project until appropriate legal and regulatory compliance has been completed by BLM.

SECTION 4 – RESERVATIONS BY THE UNITED STATES

All rights on public lands under lease not expressly granted are retained and may be exercised by the United States. The United States reserves the right to use the public lands or to authorize the use of the public lands by the general public in any way compatible or consistent with the authorized land use. Authorized representatives of the Department of the Interior, or other Federal agencies and State and local law enforcement personnel shall at all times have the right

to enter the premises on official business. Holders shall not close or otherwise obstruct the use of roads or trails commonly in public use.

The right to inspect the leased land at any time to ensure compliance with the terms and conditions of the lease.

SECTION 5 – LEGAL RESPONSIBILITY OF THE TENANT

The lessee agrees:

To indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on the lease (unless the release or threatened release is wholly unrelated to the lease holder's activity on the lease. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

Lease holders and all owners of any interest in, and all affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay the United States the full value for all injuries or damage to public lands or agents or servants, or by a contractor, its employees, agents or servants except holders shall be held to standards of strict liability where the Secretary of the Interior determines that the activities taking place on the area covered by the land use authorization present a foreseeable hazard or risk of danger to public lands or other property of the United States. Strict liability shall not be applied where such damages or injuries result from acts of war or negligence of the United States.

Lease holders and all owners of any interest in, and affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay third parties the full value of all injuries or damage to life, person or property caused by the holder, its employees, agents or servants or by a contractor, its employees, agents, or servants.

Lease holders shall indemnify or hold harmless the United States against any liability for damages to life, person or property arising from the authorized occupancy or use of the public lands under the land use authorization.

SECTION 6 – CANCELLATION BY THE UNITED STATES

This lease may be canceled by noncompliance with applicable law, regulations or terms and conditions of the land use authorization; failure of the holder to use the land use authorization for

the purpose for which it was authorized (failure to construct or nonuse for any continuous 2-year period shall constitute a presumption of abandonment and termination); mutual agreement that the land use authorization should be terminated; and/or nonpayment of rent for 2 consecutive months, following notice of payment due.

Upon termination, cancellation, or expiration of this lease, the lessee will be allowed 60 days to remove improvements from the land, or to make other disposition thereof. Upon his failure to do so, the improvements will become the property of the United States.

SECTION 7 – GENERAL PROVISIONS

This lease is issued subject to valid existing rights. These rights include but are not limited to, valid mining claims, rights-of-way grants, land use permits, and grazing leases or licenses.

No member of, or delegate to, the Congress, or Resident Commissioner, after his election or appointment, and either before or after he is qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as otherwise provided in 43 CFR Part 7, shall be admitted to any share or part of this lease, or derive any benefit that may arise there from, and the provisions of Title 18, U.S.C., Sections 431-433 relating to contracts, enter into and form a part of this lease, so far as they may be applicable.

This lease shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

This lease shall take full force and effect upon signing by both lessee and the authorized officer and shall remain in effect until expiration or it is otherwise cancelled as provided for in the above stipulations.

The holder agrees and consents to not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin, and all contracts and subcontracts shall include a provision to this effect.

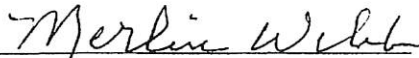
A lease holder who has complied with the provisions thereof, shall upon the filing of a request for renewal, be the preferred user for a new lease provided that the public lands are not needed for another use. Renewal, if granted shall be subject to new terms and conditions in effect at the time of renewal.

The holder agrees and consents to comply with all State and Federal laws applicable to the authorized use, and such additional State and Federal laws, along with regulations implementing them, that may be enacted or promulgated during the terms of the permit or lease.

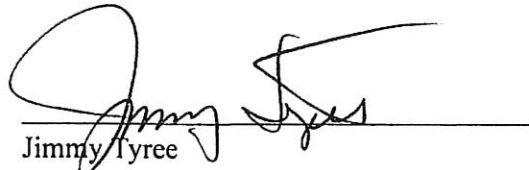
Leases issued for a term of 20 years shall be reviewed for adequacy and appropriate adjustment of the terms and conditions at the end of the twentieth year and at regular intervals thereafter not to exceed 10 years.

The lease does not authorize the location of additional facilities in wilderness nor does it authorize any modification to the water system. If additional facilities are needed, such proposals will be evaluated at the time and amendments to the lease considered.

IN WITNESS WHEREOF, The undersigned agrees to the above terms and conditions of this lease


Merlin Webb
Canaan Springs Water Company

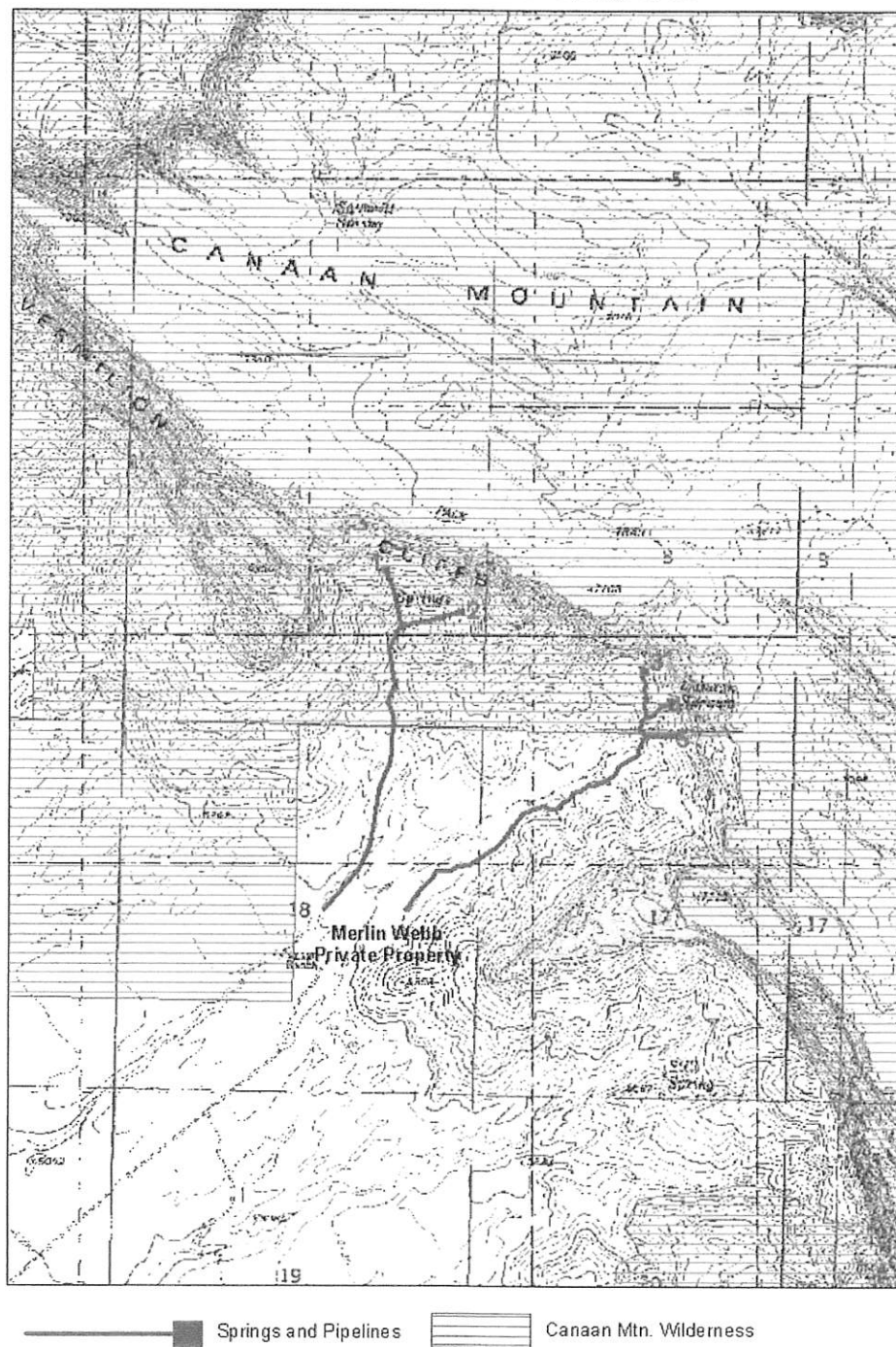
3-10-10
Date


Jimmy Tyree
St. George Field Office Manager

3/11/10
Date

Figure 1

Merlin Webb Canaan Mountain Springs Lease



Attachment 2

**Lease Assignment
July 17, 2019**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
 Color Country District – St. George Field Office
 345 East Riverside Drive
 St. George, UT 84790
www.blm.gov/office/st-george-field-office



IN REPLY REFER TO:

LLUTC03000
 2920
 UTU-87702

July 17, 2019

CERTIFIED MAIL 7007 2560 0000 8450 2790
 RETURN RECEIPT REQUESTED

Decision

Big Plains Water and Sewer SSD	:	Lease Assignment
Attn: Harold Merritt, Chairman	:	Serial No. UTU-87702
688 N. Paradise Ln, Bldg A	:	
Apple Valley, UT 84737	:	

Assignment Approved

On December 13, 2018, an application was received to assign lease no. UTU-87702 (for Canaan Springs water facilities) to the Big Plains Water and Sewer Special Development District (SSD) (current billee for the lease). The lease holder, Dr. Merlin Webb, provided written concurrence to fully assign the lease. Big Plains Water and Sewer Special Development District agrees to be bound by the terms and conditions of lease no. UTU-87702. Therefore, lease no. UTU-87702 is transferred from Mr. Webb to the SSD. The lease affects the following described public land:

Salt Lake Meridian, Utah

T. 43 S., R. 10 W.,
 sec. 7, SE¼;
 sec. 8, SE¼SW¼;
 sec. 17, NW¼NE¼, N½NW¼, SW¼NW¼;
 sec. 18, W½NE¼, SE¼NE¼.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and

petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding your application or the fees connected with it, please contact Shawwna Dao at (435) 688-3326 or by email at sdao@blm.gov.

Sincerely,



Keith Rigtrup
Field Office Manager

Enclosure: Lease no. UTU-87702

CC: Kirk Webb

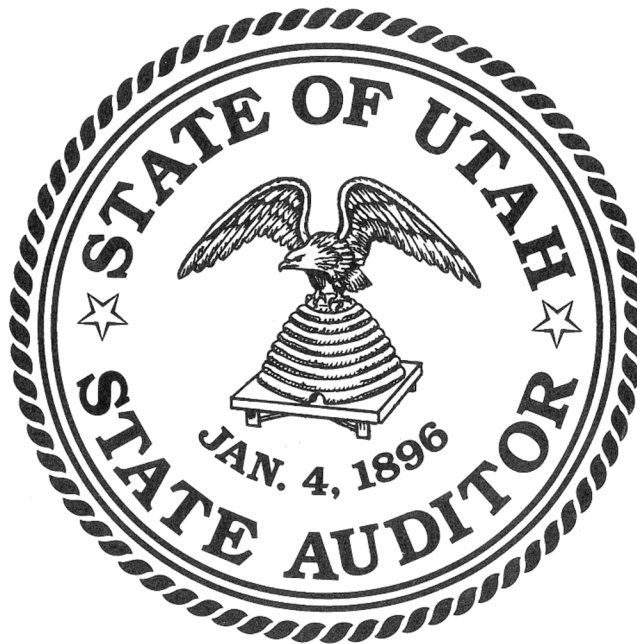
State of Utah

Little Manual

for

Local and Special Service Districts

(Revised April 2022)



**OFFICE OF THE
STATE AUDITOR**

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INTRODUCTION

The Office of the State Auditor has compiled the *Little Manual for Local and Special Service Districts* (“*Little Manual*”) to help districts comply with financial, accounting, and reporting requirements required by Utah law and professional accounting standards. The *Little Manual* is designed to provide a basic overview and ready reference to the most frequently asked questions regarding district governance and accountability. It is not comprehensive.

Remind new board and staff members to download the latest annual version of the Little Manual at: resources.auditor.utah.gov.

Access the Reporting Requirements Manual, Compliance Dashboard, and Transparent Utah Data Quality Dashboard at: resources.auditor.utah.gov.

The Office of the State Auditor also publishes the *Uniform Accounting Manual* (“*UAM*”) which is more comprehensive; it should be used for areas not included in the *Little Manual*. The *UAM* may be downloaded at: resources.auditor.utah.gov.

If you have questions regarding the *Little Manual*, contact the Office of the State Auditor at: stateauditor@utah.gov or (801) 538-1025.

GOVERNING BOARD RESPONSIBILITIES

Stephen J. Gauthier explains in his book, *Governmental Accounting, Auditing and Financial Reporting*, that a governing board provides leadership needed for an entity to achieve its purpose. A board is not free to act in any way it chooses, and is ultimately judged based upon the following four criteria:

- Effectiveness – How well does the board achieve its objectives or purpose?
- Efficiency – Does the board make optimal use of the resources placed under its control?
- Compliance – Does the board comply with applicable policy, law, or regulation?
- Reporting – Does the board prepare regular financial reports made available to those who pay the tax or fee used to operate the district?

The *Little Manual* will focus on compliance and reporting criteria noted above. As compliance and reporting requirements are presented in this manual, keep in mind that the underlying principle is that the governing board is accountable to its constituents for everything that happens within the district.

Board members do not serve indefinitely. Therefore, one of the most important things a board can do is establish good policies and procedures that will last beyond its service. Good policies and procedures will protect district resources in the event that a future board member does not maintain high ethical standards.

Generally, the following are areas of responsibility for governing boards:

- Meetings
- Budgeting
- Accounting
- Reporting
- Internal Control
- Personnel
- Purchasing
- Records (GRAMA)
- Insurance/Bonding
- Fund Balance Limitation
- District Contact Information/Registration
- Training

Each of the items noted above are discussed in their own sections of this manual. The remainder of this section addresses other governing board considerations.

DISTRICT BOARD RESPONSIBILITIES CHECKLIST

Effectiveness

- ☐ Develop and communicate a district mission statement.
- ☐ Appoint District Officers (required):
 - Board Chair – conduct meetings.
 - District Treasurer – custodian of funds. All public treasurers must be bonded.
 - District Clerk – maintain financial records and prepare (not sign) disbursements.
- ☐ Establish written policies and procedures (i.e. Purchasing, Personnel, GRAMA, etc.).
- ☐ Appoint an Audit Committee (recommended) – This committee conducts risk assessments, helps establish internal control policy, and ensures audit findings are addressed.
- ☐ Develop a Disaster Response Plan and ensure employees are trained on how to respond.
- ☐ Be familiar with emerging technology affecting district operations.

Efficiency

- ☐ Regularly review current contracts – Rebid contracts every 5 years.
- ☐ Review budget-to-actual reports and bank statements, at least quarterly.
- ☐ Encourage innovation and cost saving among employees.

Compliance

- ☐ Obtain training (training.auditor.utah.gov; archives.utah.gov/rim/certification.html):
 - Board Member Training (within 1 year of every election/appointment)
 - Open and Public Meetings Act Training (annually)
 - GRAMA training for records officer (annually)
- ☐ Implement and enforce strong internal controls – (e.g. separation of duties, appropriate oversight of financial activities, bank statements).
- ☐ Hire competent staff – use clearly defined skills and qualifications, employee performance measures, and annual evaluations.
- ☐ Ensure meeting notice and agendas are posted to the Public Notice Website (utah.gov/pmn/).
- ☐ Renew registration with Lieutenant Governor’s Office annually.

Reporting

- ☐ Adopt a budget before the end of the fiscal year.
- ☐ Ensure the board hires a CPA to perform an annual audit or AUP. Otherwise, complete a Self-Evaluation Form (for entities with revenues and expenditures < \$350,000).
- ☐ Ensure transparency uploads are made on time.
- ☐ Ensure Deposit & Investment reports are submitted for June 30 and December 31 to the State Treasurer’s Office (reporting.auditor.utah.gov/UtahTreasuryLogin)
- ☐ Ensure Impact Fee Report (if applicable) and Fraud Risk Assessment Questionnaire are submitted with financial statements to the Office of the State Auditor.

BOARD MEMBER RESPONSIBILITIES

State law requires a governing board to appoint a chair, clerk, and treasurer. The board may elect other officers as the board considers necessary. ***The offices of chair, clerk, and treasurer may NOT be held by the same person.*** The clerk may be a board member, part-time staff, full-time staff, or contractor. The treasurer may be a board member, part-time staff, full-time staff, or contractor. The chair may only be a board member. Noted below are the specific responsibilities of each officer, as well as financial related governing board responsibilities specifically required by law (See *Utah Code* 17B-1-309 and 17B-1-631 through 17B-1-638).

Chair

- Conduct meetings.

Clerk (or other designated person not performing treasurer duties)

- Attend meetings and keep a record of the proceedings.
- Maintain financial records.
- Prepare checks after determining that the claim:
 - Was authorized by the board or financial officer,
 - Does not over expend the budget, and
 - Was approved in advance by the board or its designee.
- Present a detailed financial report at least quarterly to the board.
- May not sign a single signature check.

Treasurer

- Sign checks after determining that sufficient funds are available.
- Maintain custody of all money.
- Deposit and invest all money in accordance with the State Money Management Act (*Utah Code* 51-7).
- Receive all public funds and money payable to the district.
- Keep an accurate, detailed account of all money received.
- Issue receipts for money received.

Entire Board

- Approve all expenditures – however, the board may authorize a district manager or other official to act as the financial officer for the purpose of approving 1) payroll checks, if the checks are prepared in accordance with a schedule approved by the board, and 2) routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials.
- Set a maximum sum over which all purchases may not be made without the board's approval.
- At least quarterly, review all expenditures authorized by the financial officer. (*Utah Code* 17B-1-642)
- In a district with an expenditure budget of less than \$50,000 per year, a governing board member shall sign all checks. (*Utah Code* 17B-1-635).

Appointment / Election

A board of trustees may be elected or appointed depending upon the *Utah Code* section under which the district was created and the law, ordinance, or resolution creating the district. It is important that governing boards remain fully staffed and that vacancies are filled in a timely manner. The number of governing board members varies based upon the *Utah Code* section under which the district was organized and the district's by-laws or organizing documents.

Generally, governing boards should consist of an odd number of members (at least three) who serve four-year terms which begin at noon on January 1 following the member's election or appointment.

Utah Code 17B-1-303 to 306 and *Utah Code* 20A-1-512 generally define appointing or electing board members. Specific appointment or election procedures may vary by the type of district. In nearly all situations, vacancies on boards should be advertised, and interested citizens should be given the opportunity to be considered for the vacancy.

The law also states that, "each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office" (*Utah Code* 17B-1-303(2)(b)). In other words, if a board member's term expires and a new board member has not been appointed or elected, the existing board member should continue to serve.

Compensation

A district board member may receive compensation for the member's service, as determined by the board. However, a board member may not receive over \$5,000 annually for the board member's service. In addition to the \$5,000 annual compensation limit, the board may allow a member to receive per diem and travel expenses for up to 12 meetings or activities per year, in accordance with rules adopted by the board or *Utah Code* 11-55-103 (*Utah Code* 17B-1-307).

Qualification

A district board member may not be employed by the district either as an employee or under a contract. There is an exception to this requirement when:

- fewer than 3,000 people in the state live within 40 miles of the local district's boundaries or primary place of employment,
- the job opening has had reasonable public notice, and
- the person employed is the best qualified candidate for the position (*Utah Code* 17B-1-311).

A local district is not in violation of this section if the district treats a board member as an employee *for income tax purposes* and complies with the applicable compensation limits.

Generally, a district board member must be a registered voter and a resident within the boundaries of the district. A few exceptions exist. Consult with legal counsel to ensure these exceptions apply to your district before pursuing them (*Utah Code* 17B-1-302).

Ethics

Utah Code 67-16 addresses ethics and conflicts of interest. Generally, ethics prohibit the acceptance and solicitation of gifts, compensation, or loans by a public officer or employee. A public officer may accept an occasional non-cash gift with a value of \$50 or less. A conflict of interest may be allowed as long as full and proper disclosure is made. Refer to *Utah Code* 67-16-7 and *Utah Code* 67-16-8 and your legal counsel for specific disclosure requirements.

It is important to understand this part of *Utah Code* because the penalties for violations are significant.

Nepotism

Utah Code 52-3 addresses nepotism. Generally, no public officer may employ, appoint, vote for, or recommend a relative or household member for employment. Further, no public officer may directly supervise an appointee who is a relative or household member. Relative means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, aunt, uncle, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

There are some exceptions addressed in *Utah Code* 52-3-1(2)(a). The most important exception is that a public officer may employ, appoint, vote for, or recommend the appointment of an employee that is a relative or household member if the chief administrative officer determines the appointee is the only or best person available, qualified, or eligible for the position.

MEETINGS

The Open and Public Meetings Act (*Utah Code* 52-4) regulates public meetings. The law recognizes that governing boards exist to conduct the people's business and contains provisions designed to help ensure a board's actions and deliberations are conducted openly.

In an effort to help ensure that meetings are conducted openly, *Utah Code* requires that the presiding officer of a governing board ensure that members of the governing board are provided with annual training on the requirements of the Open and Public Meetings Act. This training is also provided at training.auditor.utah.gov. The following sections may assist you in providing this training:

Open Meetings

An open and public meeting is when a quorum (simple majority) of a governing board meets to discuss or act upon business of the district. A quorum does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken. Public meetings include workshops or executive sessions, but do not include chance or social meetings (*Utah Code* 52-4-103, 52-4-201(2), and 52-4-208).

Closed Meetings

All meetings shall be open to the public, except for discussion of the following:

- The character, professional competence, or physical or mental health of an individual.
- Collective bargaining issues.
- Pending or reasonably imminent litigation.
- Purchase, exchange, and lease of real property, including any form of a water right or water shares, if such discussion discloses the value or prevents the district from completing a transaction on the best possible terms.
- Sale of real property, including any form of a water right or water shares, if such discussion discloses the value or prevents the district from completing a transaction on the best possible terms, and the entity previously gave public notice the property would be offered for sale and the sales terms were publicly disclosed before the public body approves the sale.
- Deployment of security personnel, devices, or systems.
- Investigative proceedings regarding allegations of criminal misconduct.
- Information that is required to be maintained as private or protected by the Utah Procurement Code (*Utah Code* 63G-6a), including trade secrets.

In a closed meeting, a public body may not:

- Interview a person applying to fill an elected position;
- Discuss filling a midterm vacancy or temporary absence; or
- Discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.
- Approve any ordinance, resolution, rule, regulation, contract, or appointment
- Take *any* vote, except to end the closed portion of the meeting and return to an open meeting.

If a meeting is closed to discuss the character, professional competence, or health of an individual or the deployment of security personnel, devices, or systems, then the person presiding shall sign a sworn written statement affirming that the sole purpose for closing the meeting was to discuss these issues. No recorded or written minutes are required when a meeting is closed for these purposes (See *Utah Code* 52-4-206(6)).

If a meeting is closed for a purpose other than those mentioned in the paragraph above, the board *must* record the closed portion of the meeting and *may* keep detailed written minutes (See *Utah Code* 52-4-206). Recordings, transcripts, reports, and written minutes of closed meetings are protected records. See the *Meeting Minutes* section below for required elements of minutes of a closed meeting.

A closed meeting may be held only if a quorum is present, the meeting is an open meeting for which public notice has been provided, and two-thirds of the board members present at a public meeting vote affirmatively (or a majority of the board members present, for meetings required to be closed under *Utah Code* 52-4-205). A motion to end the closed portion of the meeting may be approved by a majority of the board members present at the meeting.

Public Hearing

A public hearing is a special type of open meeting and public meeting at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Public hearings are required when a district imposes or increases a fee, imposes a tax or increases a tax rate above the certified rate, or adopts a budget, among other actions.

Electronic Meetings

An electronic meeting is a public meeting convened or conducted via a conference using electronic communications. A district may convene an electronic meeting if it has adopted a resolution, rule, or ordinance governing the use of electronic meetings. The public body must provide space and facilities at an anchor location for the public to attend the open portions of the meeting. The anchor location is not required if: (1) the meeting would present a substantial risk to health or safety to those present or who would otherwise be present, or (2) the location where the public body normally meets has been ordered closed to the public for health or safety reasons. See *Utah Code* 52-4-207 for resolution/rule requirements and other required steps.

Meeting Minutes

Written minutes *and* an audio recording shall be kept of all open meetings except for the following where a *recording* is not required to be kept:

- During a site visit or traveling tour where no vote or action is taken.
- If the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less (*Utah Code 52-4-203*).

When a meeting (whether open or closed) is required to be recorded, the recording shall be complete and unedited and include all portions of the meeting from the commencement of the meeting through adjournment of the meeting.

Approved minutes are written minutes of an open meeting that have been approved by the public body that held the open meeting. Approved minutes of an open meeting are the official record of the meeting.

Pending minutes are written minutes of an open meeting that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting. Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.

Pending minutes, approved minutes, and recordings of public meetings are public records under GRAMA.

Districts shall:

- Make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes.
- Within three business days after approving minutes, make the approved minutes and any materials distributed at the meeting available on the Utah Public Notice Website, district website, and district office; and
 - Within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- Establish and implement procedures for the public body's approval of the written minutes of each meeting.

Content of Minutes

Open meeting minutes shall include:

- Date, time and location of the meeting.
- Names of board members present and absent.
- Substance of all matters proposed, discussed, and decided.
- Votes taken by individual members of the public body.
 - For entities that have *elected* members, each vote must be recorded in list format; by category for each member action taken, including yes, no, and absent members; and each member's name
- Names of each person who is not a member of the public body, and after being recognized by the presiding member of the public body, provided testimony or comments and the substance in brief of their testimony or comments.
- Any other information that is a record of the proceedings of the meeting that any member requests to be entered in the minutes or recording.

When a governing body closes a meeting, the following must be publicly announced and entered into the minutes of the open meeting at which the closed meeting was approved:

- Reason(s) for holding the closed meeting.
- Location where the closed meeting will be held.
- Vote of each member of the board, either for or against the motion.

The recorded and any written minutes of a closed meeting shall include:

- Date, time and location of the meeting.
- Names of board members present and absent.
- Names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Notice Requirements

For all meetings, the board shall give no less than 24 hours' public notice, specifying the meeting's agenda, date, time, and place. In addition, a district that holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once per year of its *meeting schedule*, providing dates, times, and places (Utah Code 52-4-202).

The table below contrasts notice requirements for a regular meeting and a budget adoption public hearing. Note that if a fee or tax increase public hearing is held in conjunction with the budget adoption public hearing, the notice requirements for fee or tax increase public hearings should be used instead (Utah Code 17B-1-609).

Requirement	Regular Meeting	Budget Adoption Public Hearing*
Physical Posting	Post written notice at the principal office, or, if no office exists, at the building where the meeting will be held.	Post written notice in 3 public places within the district.
Digital Posting	Post on the Public Notice Website (utah.gov/pmn/).	
Timing	At least 24 hours prior to the meeting.	At least 7 days prior to the hearing.

*A district with an annual operating budget of less than \$250,000 may satisfy the budget adoption public hearing notice requirement by mailing a written notice, postage prepaid, to each voter in the district; and posting the notice in three public places within the district.

Utah Public Notice Website

All public bodies are required to post notice for a public meeting on the Utah Public Notice Website at utah.gov/pmn/.

The website allows the public to subscribe to the entity's notices and receive notification of upcoming meetings and updates to current meetings. The website also allows newspapers to subscribe to an RSS feed of website-published notices, which can then be used by a newspaper to publish its own notice, if it desires. The website is designed to provide:

- Greater accessibility to public meeting information, which encourages greater participation by the public.
- A central source for all public meeting information statewide.
- Standardized format for publishing.
- Access to past public meeting minutes.

The website is administered by the Division of Archives and Records Service, which has prepared a training manual and quick guide for owners and posters, as well as training sessions, which can be accessed on their website: archives.utah.gov/public-notice.html.

Imposing or Increasing a Fee

If the district plans to impose or increase a service fee, it must hold a public hearing in the evening no earlier than 6:00 p.m. The notice requirement for increasing a fee is slightly different than the notice requirement for adopting a budget.

The notice shall state that the district board intends to impose or increase a fee for service provided by the district and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall not be less than seven days after the day the first notice is published, for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase.

The notice must be posted:

- On the Utah Public Notice Website (utah.gov/pmn/); and
- Once per 1,000 population within the local district (with a max of ten notices), at places within the local district that are most likely to provide actual notice to residents within the local district.

OR

In lieu of posting notice in the two areas outlined above, a district may mail the notice to those within the district who:

- Will be charged the fee for a district service, if the fee is being imposed for the first time; or
- Are being charged a fee, if the fee is proposed to be increased (See Utah Code 17B-1-643(2)(d)).

Utah Code 17B-1-643(2)(g) provides that if no challenge is made to the notice given within 30 days after the public hearing date, the notice is considered adequate and proper.

Truth-in-Taxation

Districts are subject to the "Truth-in-Taxation" process, which regulates tax increases. *Utah Code* 59-2-919 provides notice and public hearing requirements for tax increases. Tax increase checklists may be accessed at: propertytax.utah.gov/tax-increases. For assistance, see the State Tax Commission, Property Tax Division contact information here: propertytax.utah.gov/contact.

Agendas

As noted previously, the board is required to give no less than 24 hours' notice of meeting agendas. Agenda requirements are as follows:

- Agendas must provide *reasonable specificity* to notify the public as to the topics to be considered.
- Each topic shall be listed under an agenda item on the meeting agenda.
- The board may not consider a topic in an open meeting that was not on the agenda.
- The board may discuss a topic raised by the public during an open meeting that was not on the agenda, but it may not take final action during that meeting.

Emergency Meetings

The board may call an emergency meeting to discuss an *urgent* matter due to *unforeseen* circumstances. When an emergency meeting is determined necessary the following is required:

- Give the best notice practicable of the time, location and topics to be considered.
- Attempt to contact all board members.
- A majority of the board members must approve the meeting (*Utah Code* 52-4-202(5)).

BUDGETING

Budgets are required by law. The budget is how the public provides input on district expenditures and plans. Upon formal adoption, the budget constitutes spending authority for the district and a formal plan for spending. At adoption, the district has legally bound itself to spend no more than what was adopted in the budget. Any expenditure in excess of the budget is illegal, even if the district has money available to spend (*Utah Code 17B-1-617*).

Budget Amendments

Budget amendments may be made during the budget year to increase the original budget; however, budgets may not be changed after the budget year end (*Utah Code 17B-1-622*). Generally, budget amendments must follow the same procedures as the adoption of the original budget (public notice and hearing); however, there are some exceptions (*Utah Code 17B-1-629 and 17B-1-630*).

A governing body may move budgeted expenditures from one budgeted line item to another without a public hearing. Adjusting line items is allowed as long as the adjustment is within the same fund and as long as the adjustment does not increase total expenditures or involve reducing the amount budgeted for debt retirement or reduction of a deficit (*Utah Code 17B-1-620*).

Utah Code 17B-1-620(1) requires that a board of trustees establish policies for amending budgeted line items. For example, if a district operates a general fund and within the general fund are multiple departments, a policy may authorize a budget officer, with the approval of a manager, to move money from one budgeted line to another budgeted line *within the same department* (e.g. Finance).

When adjusting budgeted line items *between departments* (e.g. Finance and Attorney) within the same fund, the policy may require that the transfer be approved by the governing board. When the policy requires the approval of a governing board, the board should place the adjustment on the agenda of an open meeting and approve the adjustment in the meeting.

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. (*Utah Code 17B-1-630*).

Budget Calendar

The budget process must be completed before the budget year begins. The following is a budget calendar for districts with a December 31 (calendar) year-end. For taxing entities undergoing the Truth-In-Taxation process, consult the checklists at:

propertytax.utah.gov/tax-increases.

October

The budget officer prepares a tentative budget for the board to review at its first regularly scheduled meeting in November (*Utah Code 17B-1-607*).

November

On or before the first regularly scheduled meeting in November, the board shall (*Utah Code 17B-1-607*):

- Approve a tentative budget.
- Set a final budget public hearing date.

The tentative budget must be available to the public for 7 days prior to the public hearing for the adoption of the final budget (*Utah Code 17B-1-608*):

- At the district's principal place of business during regular business hours
- If the district has a website, on its website
- On the Utah Public Notice Website (or publish on the Utah Public Notice Website a link to the website where the tentative budget is published).

During November or December, but at least 7 days before the public hearing date, public notice must be given of the public hearing (*Utah Code 17B-1-609*).

December

Hold the public hearing, adopt the final budget by resolution, and submit a copy of the final budget to the Office of the State Auditor within 30 days (*Utah Code 17B-1-614*). Keep a copy of the budget for district use and public inspection. Download a budget form at: resources.auditor.utah.gov.

ACCOUNTING

Accounting is the process of keeping track of money, other items of worth (assets), and what is owed to others (liabilities). It is important for the district to accurately keep track of such information not only for its own use, but also to be accountable to its constituents and to complete legally required reports.

Accounting need not be complicated. All it requires for small districts is a carefully kept, readable checkbook, which has been reconciled to the bank statements. The following should be done:

- All money received by the district should be deposited into the district bank account and recorded in the accounting records.
- Payments should not be made using cash on hand unless the cash is part of a properly established petty cash fund.
- A running checkbook balance should be kept.
- All entries made in the checkbook should be:
 - Immediate, so nothing is forgotten.
 - Clearly written.
 - Well explained (for example, it is not necessary to write "Deposit" because that is obvious by the column it is placed in, but it is necessary to explain where it came from and what it was for).
- The checkbook should be reconciled monthly to the bank statement. Bank statements should be kept for four years and check registers should be kept for seven years.

For small districts, the checkbook could be the official financial record of the district and should be safeguarded. The balances, deposits, and check amounts in the checkbook should be used to complete the required annual financial statements.

REQUIRED REPORTS

The following schedule shows which reports are required by law, when they are due, and where they should be sent:

	Report	When Due	Upload To:
1.	Adopted Budget	Within 30 days of adoption (usually in January, for calendar year entities).	reporting.auditor.utah.gov <i>You may mail your reports to Office of the State Auditor P.O. Box 142310 Salt Lake City, UT 84114 ONLY if internet access is NOT available.</i>
2.	Audited Financial Statements (included in Financial Audit Reporting Package) or Small/Large Financial Survey	Within 6 months of fiscal year end (usually by June 30, for calendar year entities).	
3.	Financial Certification		
4.	Financial Audit Reporting Package, Agreed-Upon Procedures Report, or Self-Evaluation Form		
6.	Impact Fee Report (only if your district assesses impact fees)		
7.	Fraud Risk Assessment Questionnaire		
8.	Deposit and Investment Report	July 31 & January 31	reporting.auditor.utah.gov/UtahTreasuryLogin

Financial Report Requirements

Detailed reporting requirements are available in *Reporting Requirements Manual* at resources.auditor.utah.gov. Thresholds are outlined below:

- Revenues or expenditures greater than \$1,000,000 – a Financial Audit Reporting Package and Financial Certification are required.
- Revenues or expenditures at least \$350,000 and less than \$1,000,000 – an Agreed-Upon Procedures Report, Large Financial Survey, and Financial Certification are required.
- Revenues and expenditures less than \$350,000 – a Self-Evaluation Form, Small Financial Survey, and Financial Certification are required.

The following describes the different types of financial reports:

- **Financial Audit Reporting Package** – an examination completed by an independent certified public accountant (CPA). *Reasonable assurance* that the financial statements are fairly presented is provided.
- **Agreed-Upon Procedures Report** – an engagement by an independent CPA following procedures established by the Office of the State Auditor. *No assurance* is provided on the reliability of the financial information generated by the entity and submitted to the Office of the State Auditor (downloaded at: resources.auditor.utah.gov).
- **Self-Evaluation Form** – A self-evaluation must be completed and certified by a member of the governing board annually. This form (downloaded at: resources.auditor.utah.gov) has been developed to help the governing board internally assess their district and determine if reasonable safeguards for compliance and proper fiscal management are implemented and functioning.
- **Financial Survey** – Information regarding assets, liabilities, revenues and expenses is submitted using a small/large financial survey form (downloaded at: resources.auditor.utah.gov) to the Office of the State Auditor.

A district may choose to have a report prepared that exceeds the reporting requirements outlined above if the district desires to obtain greater assurance that its financial statements are accurate. For example, a district with \$500,000 in annual revenues may choose to undergo an audit, although only an Agreed-Upon Procedures report is required.

Financial Certification

Utah Code 11-50-202 requires the annual financial report submitted to the Office of the State Auditor be certified by the district's Chief Administrative Officer (individual who supervises the day-to-day activities of the district) and the Chief Financial Officer (individual who has the primary responsibility for preparing the annual financial report). This certification form is found at: resources.auditor.utah.gov.

Transparent Utah Website

All entities are required to provide public financial information through the Transparent Utah Website at transparent.utah.gov. Data is uploaded to reporting.auditor.utah.gov.

All entities are required to upload:

- 1) Quarterly detailed revenue and expenditure transactions
 - a. Within 30 days after fiscal quarter end.
- 2) Annual employee compensation information
 - a. Within 90 days after fiscal year end.
 - b. If you do not have employees , you must inform the Transparent Utah team.
 - c. If you have hired employees after previously not having employees, you must inform the Transparent Utah team.

For help on creating a State Reporting System account or uploading Transparent Utah data, access the *State Reporting System* and *Transparent Utah: Uploading Files* videos on the State Auditor [YouTube Channel](#). For smaller districts, the *Transparent Utah File Converter* [YouTube playlist](#) shows you how to simply copy and paste your limited data into a web form to prepare it for upload to Transparent Utah via the State Reporting System. Access the Transparent Utah Data Quality Dashboard (resources.auditor.utah.gov) (and its associated [YouTube playlist](#)) for an in-depth analysis of possible issues with your entity's Transparent Utah data uploads.

For additional Transparent Utah assistance, call 801-538-3059. For individual Transparent Utah team member information, see the directory here: auditor.utah.gov/about-us/directory.

INTERNAL CONTROL

An internal control is a process designed to provide reasonable assurance regarding the achievement of objectives in operational effectiveness and efficiency; reliable financial reporting; and compliance with laws, regulations, and policies. The guiding principle when it comes to internal control is that one individual is reviewing another individual's work.

Internal control is meant to keep honest people honest and to protect those who handle money and other assets. In order to properly design "checks and balances," several people are involved in the accounting process. In districts it is *critical* for board members to be involved in reviewing and approving financial transactions.

As the Office of the State Auditor has investigated entities, it has found *lack of internal controls, particularly separation of duties (explained earlier in this manual) is the **main contributing factor of public fund theft.***

The following procedures should be followed by board members:

- NEVER SIGN A BLANK CHECK. Signing blank checks is an open invitation for theft. Consider writing checks monthly; then check signers are only inconvenienced monthly.
- Require two signatures on checks. *Utah Code 17B-1-635(2)(b)* states that, "In a local district with an expenditure budget of less than \$50,000 per year, a member of the board of trustees shall *also* sign all checks." It is also recommended for districts with budgets larger than \$50,000. However, do not to rely on the bank to ensure proper payment. Banks will almost always process checks requiring dual signatures which only include a single signature.
- Deposits and disbursements should be reviewed by a governing board at least quarterly. Board members should ask questions if something is unclear or appears unusual (*Utah Code 17B-1-638*).
- In small districts, the monthly reconciliation of the checkbook to the bank statement should be made, or at least reviewed, by a board member who does not sign checks. In larger districts, a review of the bank reconciliation by a board member is also an effective control.
- Board members should take a healthy interest in the finances of the district by reviewing the annual financial statements and physically inspecting other assets, such as pipes, trucks, lawnmowers, etc., to be sure they have not been lost or stolen and are in good condition.

PERSONNEL

Personnel Policy

Utah Code 17B-1-801 through 805 address personnel. *Utah Code* 17B-1-8 does not apply to districts with annual revenues less than \$50,000.

Each district which has full-time or part-time employees shall annually review its personnel policies to ensure that they conform to requirements of state and federal law. Districts should contact their legal advisor (or another district that provides a similar service) for assistance in drafting a personnel policy.

Additionally, districts with full or part-time employees shall assign human resource responsibilities to an individual and ensure this individual receives human resource management training on his or her responsibilities. These responsibilities include complying with federal and state employment law, administering compensation and benefits, and ensuring employee safety.

Following is a list of items that should be considered when developing a personnel policy. The list is not all inclusive, but is intended to be a starting point:

- Vacation, sick leave, and holidays
- Reimbursement of expenses such as mileage, meals, and lodging while traveling
- Personal use of public property
- Grievance process
- Work hours
- Approval of leave and overtime pay
- Reporting of accidents (vehicle and workers' compensation)
- Sexual harassment
- Drugs

Note that unauthorized use of public money or property, in violation of *Utah Code* 76-8-402, carries various criminal penalties, ranging from class C, B, and A misdemeanors, to ***third and second degree felonies***. Adopting a policy helps protect public assets and helps protect employees from serious criminal charges.

Independent Contractor or Employee?

As a potential employer, you may choose to hire an employee to get a job done, or you may hire an independent contractor. You should consider the following factors in making your decision:

- In most cases, an employee must be granted all benefits, including health insurance, retirement, etc., that are provided generally for employees by the district. An independent contractor is not paid these benefits.
- An employer must withhold federal and state income taxes, pay social security taxes, pay workers' compensation contributions, and pay unemployment insurance for an employee. No taxes or unemployment insurance are paid for an independent contractor.
- Terminating an employee can be more difficult than canceling a contract with an independent contractor.
- You may specify the results desired, but may not control the performance of work of an independent contractor. An employee may be given explicit directions about how, when, and where to perform a job and may be closely supervised.
- Generally, the liability of an organization for its employees is much greater than the liability of an organization for an independent contractor.

The following is an excerpt from IRS *Publication 1779* regarding factors determining whether a worker is an employee or independent contractor. Understanding these factors is important because you may be able to design an agreement that meets your needs.

IRS Publication 1779

The courts have considered many facts in deciding whether a worker is an independent contractor or an employee. These relevant facts fall into three main categories: behavioral control, financial control, and relationship of the parties. In each case, it is very important to consider all the facts – no single fact provides the answer. Carefully review the following definitions.

Behavioral Control

These facts show whether there is a right to direct or control how the worker does the work. A worker is an employee when the business has the right to direct and control the worker. The business does not have to actually direct or control the way the work is done as long as the business has the *right* to direct and control the work. For example:

- Instructions – if you receive extensive instructions on how work is to be done, this suggests that you are an employee. Instructions can cover a wide range of topics, for example:
 - How, when, or where to do the work
 - What tools or equipment to use
 - What assistants to hire to help with the work
 - Where to purchase supplies and services

- If you receive less extensive instructions about what should be done, but not how it should be done, you may be an independent contractor. For instance, instructions about time and place may be less important than directions on how the work is performed.
- Training – if the business provides you with training about required procedures and methods, this indicates that the business wants the work done in a certain way, and this suggests that you may be an employee.

Financial Control

These facts show whether there is a right to direct or control the business part of the work. For example:

- Significant Investment – if you have a significant investment in your work, you may be an independent contractor. While there is no precise dollar test, the investment must have substance. However, a significant investment is not necessary to be an independent contractor.
- Expenses – if you are not reimbursed for some or all business expenses, then you may be an independent contractor, especially if your unreimbursed business expenses are high.
- Opportunity for Profit or Loss – if you can realize a profit or incur a loss, this suggests that you are in business for yourself and that you may be an independent contractor.

Relationship of the Parties

These are facts that illustrate how the business and the worker perceive their relationship. For example:

- Employee Benefits – if you receive benefits, such as insurance, pension, or paid leave, this is an indication that you may be an employee. If you do not receive benefits, however, you could be either an employee or an independent contractor.
- Written Contracts – a written contract may show what both you and the business intend. This may be very significant if it is difficult, if not impossible, to determine the status based on other facts.

If you have a special situation, you should contact your legal advisor for assistance.

Each independent contractor that receives more than \$600 in rents or compensation from the district must be issued an IRS Form 1099-MISC at the end of the tax year. Employees must be issued an IRS Form W-2.

Approved Vendor List

The Office has solicited bids from firms across the state for non-accounting services, such as bookkeeping, compliance reporting, and financial statement preparation. The intent of this solicitation is to increase the quality of financial reporting for compliance and decision-making, while improving the independence of external auditors. Find the Approved Vendor List at: resources.auditor.utah.gov.

PURCHASING

Utah Code 17B-1-618 requires: “all purchases or encumbrances by a local district shall be made or incurred according to the purchasing procedures established for each district by the district's rulemaking authority...and only on an order or approval of the person or persons duly authorized.” The district’s rulemaking authority is the governing body or its designee.

Without a written purchasing policy the district cannot legally spend money. The District’s purchasing policy must conform to the Utah Procurement Code (*Utah Code* 63G-6a).

Essentially, a purchasing policy should establish a competitive procurement process which safeguards against bias or conflicts of interest. The policy should also consider the cost of soliciting or advertising bids with the benefits of competition among vendors.

A template purchasing policy is found at the Local Government Resource Center (resources.auditor.utah.gov). Adapt it for your entity’s needs and work with your legal advisor for assistance.

The following is a list of items that should be considered when developing a purchasing policy. The list is not all inclusive, but is intended to be a starting point:

- Amount under which competitive quotes are not required.
 - (Example – Purchases less than \$500 do not require competitive quotes.)
- Amount over which verbal quotes will be obtained.
 - (Example – Purchases between \$501 and \$2,000 require at least two verbal quotes.)
- Amount over which written quotes will be obtained.
 - (Example – Purchases between \$2,001 and \$50,000 require at least three written quotes.)
- Amount over which public advertising is required.
 - (Example – Purchases greater than \$50,000 will be publicly advertised and subject to competitive sealed bidding.)
- Purchases made from a single or sole source provider.
- Emergency purchases.
- Cancellation and rejection of bids.

Per *Utah Code* 63G-6a-506(8) and *Utah Code* 63G-6a-2404.3(1), it is unlawful for a person to intentionally or knowingly divide a purchase into one or more smaller purchases to avoid using the standard procurement process. Violation carries various criminal penalties, ranging from class B and A misdemeanors, to **third and second degree felonies**.

Records Retention

In accordance with *Utah Code* 63G-6a-2002 and 2003, documents associated with purchases of \$100 or more are to be kept and made available to the public, upon request, for a minimum of 6 years. In addition, the procurement officer shall maintain a record of all contracts made pertaining to small purchases, sole-source procurement, and emergency procurement in accordance with the district's record retention schedule.

Large Procurements and Construction Projects

Procurements for construction projects are subject to the Utah Procurement Code (*Utah Code* 63G-6a) which, among other things, mandates bidding on most building and public works construction projects and specifies how the bidding and RFP process are to be conducted.

Multi-year Contracts

In accordance with *Utah Code* 63G-6a-1204(7), a multi-year contract, including any renewal periods, may not exceed a period of 5 years unless the district determines in writing that:

- 1) A longer period is necessary in order to obtain the procurement item;
- 2) A longer period is customary for industry standards; or
- 3) A longer period is in the best interest of the district.

However, the above circumstances would be considered exceptions, rather than the rule. Therefore, generally, all multi-year contracts should be rebid at least every 5 years.

Division of Purchasing

Utah Division of Purchasing and General Services has entered into multiple contracts for a variety of products and services that *can be used by districts without having to go through the RFP and bidding process themselves*. This provides districts with access to high quality products at a lower price. In addition, State Purchasing offers assistance to districts undergoing the bidding and RFP process which lack experience and expertise in this area. For more information about state contracts and other purchasing assistance, visit purchasing.utah.gov or call State Purchasing at 801-538-3026.

RECORDS (GRAMA)

Utah Code 63G-2, Government Records Access and Management Act (GRAMA), addresses government records and the management of those records. It recognizes that the public has a right to access information regarding the conduct of the public's business and the right of privacy in relation to personal data gathered by governmental entities.

Policy

A district should adopt a records policy that is consistent with *Utah Code* and procedures established by the Division of Archives and Records Service.

Record Series

A record series means “a group of records that may be treated as a unit for purposes of designation, description, management, or disposition” (See *Utah Code* 63G-2-103(23)). Record series reflect the natural organization of groups of records and their relationships to each other. For example, “board meeting minutes” is a record series.

Retention

There are different retention requirements for each record series. Districts are to follow record retention schedules for municipalities which may be found at:

archives.utah.gov/rim/retention-schedules.html.

State Archives is available as a resource to help you comply with record retention requirements. Contact Rosemary Cundiff, Division of Archives and Records Service, at: 801-531-3858 or rcundiff@utah.gov.

Classification

Classification indicates the level of access to your records. A classification is assigned to each record series. There are four classifications defined in the law: public, private, controlled and protected. Only public records are open to the public (note: most records are public). Some record series may have more than one classification or have exceptions. Read *Utah Code* 63G-2 and consult your legal counsel if you have questions.

- Public records are records that are open to everyone. They include:
 - Minutes from open meetings
 - Compensation paid to a contractor
 - Names, gender, and gross compensation paid to public employees
- Private records are information about individuals that may only be accessed by those individuals and others specified in *Utah Code* 63G-2-302. They include:
 - Unemployment insurance, social service, and welfare benefits
 - Medical history, diagnosis, condition, treatment, and evaluation
 - Public employee home address, home telephone number, Social Security number, insurance coverage, marital status, or payroll deductions
 - Individual's email, phone number, and payment information maintained by a county for administering property taxes and property tax relief

- Controlled records are records that may only be released to certain individuals such as social workers and health care providers and may not be disclosed to the individual to whom they pertain. They include:
 - Medical, psychiatric, or psychological data
 - Information detrimental to the subject's mental health or to the safety of any individual
 - Information were it released would constitute a violation of professional practice or medical ethics
- Protected records are non-personal data that may only be released to the person who submitted the information. See *Utah Code* 63G-2-305 for a comprehensive, 84 item list. Some protected records include:
 - Trade secrets
 - Closed meeting minutes
 - Records that would jeopardize the life or safety of an individual
 - Records that would jeopardize the security of a correctional facility
 - A candidate's residential or mailing address, if the candidate provides another address where the candidate may be contacted

The following is a schedule of records a district may typically have; it includes the type of record, classification and retention requirements:

<u>Record</u>	<u>Classification</u>	<u>Retention</u>
Meeting Minutes	Public	Permanent
Meeting Agenda	Public	2 Years
Annual Financial Reports	Public	Permanent
Budgets	Public	Permanent
Bank Statements	Public	4 Years
General Ledger	Public	10 Years
Timesheets	Public	3 Years
Accounts Payable & Receivable	Public	4 Years
Deposit Slips	Public	4 Years
Check Register	Public	7 Years
Receipt Books	Public	3 Years
Fixed Asset Lists	Public	10 Years
Procurement Documents	Public	4 years

GRAMA Requests

The following information is an excerpt from GRAMA training prepared by State Archives.

Preparing for a GRAMA Request:

- Adopt a policy establishing who handles record requests.
 - Designating and training a records officer will help ensure that the response is consistent and complies with the law.
- Ensure everyone within the district knows who handles record requests.
- Create a standard GRAMA request form. A sample form can be found on the State Archives website at: archives.utah.gov/rim/forms/forms-grama.html. A well-designed form will help collect information that will assist the district in properly responding to the request and minimize misunderstandings.
- Get advice from administration and legal counsel in responding to a request.

Receiving a GRAMA Request (Utah Code 63G-2-204(1),(2)):

- The law requires that the requester submit the request to the agency that prepares, owns, or retains the record. Records are subject to the classification and retention schedules of the originating entity. Releasing another entity's record, even if a copy is held by your district, could violate the records classification. A single records request may not be submitted to multiple government entities.
- The requester is also required to provide the following information in writing:
 - Name
 - Address
 - Phone Number
 - Email Address (if the requester desires communication via email)
 - Description which identifies the record requested with reasonable specificity.

Responding to a GRAMA Request (Utah Code 63G-2-204(3),(4)):

- The district must respond within 10 business days, or 5 business days for an expedited response, providing a referral if the district does not maintain the record.
- The district may deny the request, if necessary.
- Failure to respond is considered a denial.
- The district must notify the requester of extraordinary circumstances (see below).

Extraordinary Circumstances Include (Utah Code 63G-2-204(6)):

- Another agency is using the record.
- The district is processing a large quantity of records.
- The requester asks for a voluminous quantity of records.
- The records may be undergoing an audit by a government entity.

Appropriate Response to Extraordinary Circumstances (Utah Code 63G-2-204(7)):

- If only part of the records can be located, disclose a portion or provide the requester with an estimate of time required to respond.
- Provide the request as soon as reasonably possible.

In Response to a Request, a District is Required to (Utah Code 63G-2-201(1),(13),(14)):

- Allow every person the right to inspect a public record free of charge.
- Provide electronic copies in lieu of paper if requestor prefers an electronic copy and the district currently maintains the record in a reproducible electronic format.
- Avoid using a physical format to unreasonably hinder access.

In Response to a Request, a District is not Required to (Utah Code 63G-2-201(8)):

- Compile, format, manipulate, summarize, or tailor records.
- Provide a record in a format different than normally maintained.
- Fill the request if the record is available in a public publication.

Fees

The district is required to establish a records request fee in its uniform fee schedule if it decides to charge for record requests. The following information will assist the district in preparing a policy that complies with the law.

An Agency May Charge For (Utah Code 63G-2-203(2)):

- The actual cost of providing a record when it is provided in a form other than normally maintained.
- Staff time for direct costs such as search, retrieval, summarization, and compilation, not to exceed the salary of the lowest paid, capable employee.

An Agency May Not Charge For (Utah Code 63G-2-203(5)(b)):

- The first 15 minutes of a search (unless the requester is not a Utah media representative and previously submitted a separate request within 10 days before the date of the current request).
- Allowing the requestor to inspect the record.
- Reviewing a record to determine whether it is the subject of a request.

An Agency is Encouraged to Fill the Request Without Charge When (Utah Code 63G-2-203(4)):

- Releasing the record will primarily benefit the public.
- The requester is the subject of the record.
- The requester's legal rights are implicated and the requester is impecunious.

Denial of Request (*Utah Code* 63G-2-204(7),(9); 63G-2-205(1),(2),(3)):

- If the agency denies a request in whole or in part, it must provide notice of denial to the requester in writing. A sample form can be found on the State Archives website at: archives.utah.gov/rim/forms/forms-grama.html
- The notice of denial shall contain a description of the record, citations to the applicable provisions of GRAMA, a statement that the requester can appeal the denial to the chief administrative officer (CAO) of the agency with the name and address of the CAO, and the time limits for filing an appeal.
- An agency must maintain the record until time limits for appeals have expired.

Access

In the interest of security and keeping records in their proper place, district personnel should not allow individuals to thumb through records. Requests for copies of records from the public should be specific and consistent with district policy.

Ombudsman

A records ombudsman can assist government records officers who are responding to records requests. They can recommend solutions to difficult records access issues. Contact the State Archives Records Ombudsman at 801-531-3858.

Training

Designated records officers of each district are required to complete an annual online training course in order to certify in GRAMA. This training must be completed each year that they are the officially designated records officer per *Utah Code* 63G-2-108. This training can be accessed online at archives.utah.gov/rim/certification.html.

INSURANCE / BONDING

All public treasurers are required to be bonded or insured in accordance with [Rule 4](#) of the Utah Money Management Council (*Administrative Code* R628-4). *Utah Code* 51-7-3(28) states: “‘public treasurer’ includes ... the official of any...political subdivision, or other public body who has the responsibility for the safekeeping and investment of any public funds.” This is a broad definition that includes the person or persons of a district with the responsibilities defined above.

The schedule below sets forth the amount for which each public treasurer should be bonded or insured according to the annual budget for the governmental unit. The basis used shall be budgeted gross revenue for the previous year. Budgeted gross revenue includes all funds collected or handled by the public treasurer.

Budget	Percent for Bond	Minimum Bond
\$0 to 10,000	N/A	\$0
\$10,001 to \$100,000	9% but not less than	\$5,000
\$100,001 to \$500,000	8% but not less than	\$9,000
\$500,001 to \$1,000,000	7% but not less than	\$40,000
\$1,000,001 to \$5,000,000	6% but not less than	\$70,000
\$5,000,001 to \$10,000,000	5% but not less than	\$300,000
\$10,000,001 to \$25,000,000	4% but not less than	\$500,000
\$25,000,001 to \$50,000,000	3% but not less than	\$1,000,000
\$50,000,001 to \$500,000,000	2% but not less than	\$1,500,000
Over \$500,000,000		\$10,000,000

Bonds must:

- Be issued by a corporate surety licensed to do business in Utah.
- Have a current A.M. Best Rating of “A” or better.
- Be effective as of the date the treasurer assumes the duties of the office or is sworn in.

Crime insurance must:

- Be issued by a corporate surety licensed to do business in Utah and have a current A.M. Best Rating of “A” or better.
 - OR
- Be issued by an interlocal agency created under *Utah Code* 11-13-101 operating as a joint self-insurance fund.

Additionally, it is wise to consider in which areas the district and its board members should be insured. Statute requires a district with an annual operating budget of at least \$50,000 to obtain liability insurance as considered appropriate by the board.

FUND BALANCE LIMITATION

A common problem for districts is the accumulation of large fund balances or cash reserves. Large fund balances are inappropriate for governmental units and are generally a violation of state law.

Utah Code 17B-1-612 limits the amount that can be retained as unrestricted (sum of committed, assigned, and unassigned designations) fund balance in the *general fund*. The accumulation of a fund balance in the general fund may not exceed:

- The most recently adopted general fund budget
PLUS
- 100% of the current year's property tax

Entities may accumulate funds for the purpose of financing specific capital projects, including new construction, capital repairs, replacement, and maintenance, *under a formal long-range capital plan adopted by the governing body*. The accumulation of these funds should be reported in a *capital projects fund*, which is not subject to the fund balance limitation.

The principle underlying the fund balance limitation is that a government should tax its constituents on a "pay as you go" basis. This means that purchases of economic resources which benefit taxpayers today should not be made with funds accumulated from prior taxpayers. Conversely, excessive debt should not be issued which places the burden of providing current benefits on future taxpayers. Essentially, taxpayers should be allowed to determine the best use of their funds while being taxed in a manner that allows a government to meet its current obligations.

DISTRICT CONTACT INFORMATION

In accordance with *Utah Code* 17B-1-303, districts shall post the name, phone number, and email address of each member of the district's board of trustees to the Public Notice Website within 30 days of the board member taking office and whenever the contact information changes.

DISTRICT REGISTRATION

On or before July 1, districts must register their local government with the Lieutenant Governor's Office (*Utah Code* 67-1a-15). The district will provide the following:

- 1) The resolution or other legal or formal document creating the entity
- 2) A map or plat establishing the geographic boundaries of the entity
- 3) Entity name
- 4) Local government type
- 5) Governmental function
- 6) Website, physical address, and phone number, including the name and contact information for the primary contact
- 7) Board member names, email addresses, phone numbers, term begin and end dates , and the method by which they are appointed, elected, or otherwise designated
- 8) Source of revenue
- 9) Information regarding the creation, purpose, and boundaries of any assessment areas, as applicable

Register at: entityregistry.utah.gov. Contact the Lieutenant Governor's Office at: entities@utah.gov or (801) 538-1041.

All districts are required to renew this registration *annually*, ensuring the information provided is correctly and consistently updated. Districts are also required to notify the Lieutenant Governor's Office of any changes to this information within 30 days of such changes.

TRAINING

Utah Code 17B-1-312 requires that each member of a board of trustees of a district shall, within one year after taking office, complete training developed by the Office of the State Auditor in cooperation with the Utah Association of Special Districts. A member of a board of trustees “takes office” each time the member is elected or appointed to a new term, which typically is every 4 years. This training is designed to help governing boards increase their understanding of their role, functions, and responsibilities. The course covers this manual’s topics, as well emerging issues of which the Office of the State Auditor has become aware.

An online training course that fulfills this requirement is available at training.auditor.utah.gov. The majority of board members complete the training via this method. The Office of the State Auditor also occasionally provides in-person training to large gatherings of districts.

It is the intention of the Legislature, the Office of the State Auditor, and the Utah Association of Special Districts, to ensure board members participate in this training to enhance governance and accountability of local and special service districts. If you have questions regarding this training, contact the Office of the State Auditor at: stateauditor@utah.gov or (801) 538-1025.

UTAH ASSOCIATION OF SPECIAL DISTRICTS

This private sector association is dedicated to promoting the proper and efficient operation of all districts in our state. It assists districts in fulfilling their respective missions by informing governmental and public officials about districts; promoting district awareness; providing training to board members, management, and staff; and providing legislative input and advocacy, and updates of current laws and regulations. Membership is available for all districts. For more information, contact:

Mr. LeGrand W. Bitter, Executive Director
 Utah Association of Special Districts
 1272 West 2700 South
 Syracuse, UT 84075
 (801) 614-0405
 E-mail: uasdmail@yahoo.com
 Website: uasd.org

RESOURCES

Local governments are provided many resources to comply with law, rule, and professional standards:

Compliance Dashboard: Contains individualized entity compliance reports, filtered by entity type, name, tax holding county, and compliance status. Use this resource to quickly learn what reports your entity needs to submit to the Office of the State Auditor. Access at: resources.auditor.utah.gov.

Little Manual for Local and Special Service Districts: Contains comprehensive requirements for local and special service districts, with included *Utah Code* references. Access at: resources.auditor.utah.gov.

Local Government Resource Center: Hosts reporting requirements, policy templates, checklists for key processes, brief explanations of terms and concepts, videos, *Fraud Risk Assessment Implementation Guide*, Compliance Dashboard, Transparent Utah Data Quality Dashboard, and other related resources. Access at: resources.auditor.utah.gov.

Office of the State Auditor Website: Access public, press, state agency, and local government resources. Also hosts fraud hotline and office directory. Access at: auditor.utah.gov.

Office of the State Treasurer Online Tools: Sister website to the State Reporting System. Upload Deposit and Investment Reports to State Treasurer's Office. Access at: reporting.auditor.utah.gov/UtahTreasuryLogin.

Online Training Portal: Hosts introductory courses for different entity personnel. Also hosts the Board Member Training course (required for local and special service district board members within one year of every appointment/election) and Open and Public Meetings Act course (required for all public officials annually). Access at: training.auditor.utah.gov.

State Reporting System: Upload budgets, financial reports, and Transparent Utah data; and edit contact information. Access at: reporting.auditor.utah.gov.

Transparent Utah Data Quality Dashboard: Contains comprehensive individualized entity Transparent Utah data quality reports. Use this resource to quickly learn the possible issues with data your entity has uploaded to the Transparent Utah website via the State Reporting System. Access at: resources.auditor.utah.gov.

Transparent Utah Website: Download quarterly revenue and expenditure data, as well as annual payroll data, for local governments. For help on creating a State Reporting System account or uploading Transparent Utah data, access the *State Reporting System* and *Transparent Utah: Uploading Files* videos on the State Auditor [YouTube Channel](#). For smaller districts, the *Transparent Utah File Converter* [YouTube playlist](#) shows you how to simply copy and paste your limited data into a web form to prepare it for upload to Transparent Utah via the State Reporting System. Access the Transparent Utah Data Quality Dashboard (resources.auditor.utah.gov) (and its associated [YouTube playlist](#)) for an in-depth analysis of possible issues with your entity's Transparent Utah data uploads. For additional Transparent Utah assistance, call 801-538-3059. For individual Transparent Utah team member information, see the directory here: auditor.utah.gov/about-us/directory.

Uniform Accounting Manual: Contains requirements, across all entity types, with included *Utah Code* references. Access at: resources.auditor.utah.gov.

Utah Code: Title 10 contains the Utah Municipal Code. Title 11 contains city, town, interlocal, and local taxing unit requirements. Title 17 contains county requirements. Title 17B contains local district requirements. Title 17D contains special service district requirements. Access at: le.utah.gov.

Utah Community Development Office: Housed in the Department of Workforce Services, Housing and Community Development Division. This office was established in 2013 as a resource for rural Utah. With funding from the Permanent Community Impact Fund Board, the office supports regional planning professionals, facilitates communication and coordination between stakeholders, and creates and delivers training, tools, and informational resources. Access at: jobs.utah.gov/housing/community/planning/index.html.

Utah Division of Archives and Records Service: Available as a resource to help you comply with record retention requirements. Contact Rosemary Cundiff, Government Records Ombudsman, Division of Archives and Records Service, at: 801-531-3858 or rcundiff@utah.gov. Access record retention schedules at: archives.utah.gov/rim/retention-schedules.html.

Utah Division of Purchasing and General Services: Has entered into multiple contracts for a variety of products and services that *can be used by entities without having to go through the RFP and bidding process themselves*. This provides entities with access to high quality products at a lower price. Access at: 801-538-3026 or purchasing.utah.gov.

Utah Public Notice Website: Enables local governments to post required public meeting/hearing notices, agendas, minutes, and contact information. Administered by Division of Archives and Records Service. Access the training manual and quick guide for owners and posters, as well as training sessions, at: archives.utah.gov/public-notice.html or contact Dylan Mace, Division of Archives and Records Service, at: upnw@utah.gov or 801-531-3853. For questions regarding using the website, posting a notice, or registering an individual to post notices on the website, contact Utah Interactive at: support@utahinteractive.org or 801-983-0275. Access at: utah.gov/pmn/.

Utah State Tax Commission: Districts are subject to the "Truth-in-Taxation" process, which regulates tax increases. *Utah Code* 59-2-919 provides notice and public hearing requirements for tax increases. Tax increase checklists may be accessed at: propertytax.utah.gov/tax-increases. For assistance, see the State Tax Commission, Property Tax Division contact information here: propertytax.utah.gov/contact.

YouTube Channel: Hosts brief videos on basic topics such as: uploading reports, budgeting, separation of duties, reports, fraud, fund types, fund balances, reporting roles, and independent auditors. Channel name: Utah Office of the State Auditor Local Government Division; Access at: youtube.com.