



**BOARD OF COMMISSIONERS WORK SESSION MEETING**  
117 South Main Street, Monticello, Utah 84535. Commission Chambers  
April 07, 2026 at 9:00 AM

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**AGENDA**

*The public will be able to view the meeting on San Juan County's Facebook live and Youtube channel*

**CALL TO ORDER**

**ROLL CALL**

**AGENDA ITEMS**

1. Review and Update of the Commission Policies and Procedures
2. Review of the Updated San Juan County Purchase Card Policy
3. Review of the Updated San Juan County Purchasing Policy

**ADJOURNMENT**

\*The Board of San Juan County Commissioners can call a closed meeting at any time during the Regular Session if necessary, for reasons permitted under UCA 52-4-205\*

All agenda items shall be considered as having potential Commission action components and may be completed by an electronic method \*\*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the San Juan County Clerk's Office: 117 South Main, Monticello or telephone 435-587-3223, giving reasonable notice\*\*

## EXPLANATION OF AGENDA ITEM FOR WORK SESSION

### **PURPOSE:**

The purpose of this agenda item is to introduce revised policies and procedures for the San Juan County Board of Commissioners. These updated guidelines clarify how meetings are organized, how business is conducted, and how voting takes place. By adopting these rules, the Board will comply with statutory requirements and ensure all public meetings are conducted consistently and transparently. The Commission is required by statute to adopt rules of order and procedure. (See Utah Code Annotated §17-64-303(2)(a).

Every governing entity with a board and officers—such as boards of commissioners, directors, managers, or trustees—must follow rules that outline the processes for calling meetings, conducting business, and voting. State law requires each county legislative body to adopt formal rules of order and procedure and to conduct all public meetings in accordance with those rules.

If approved, these policies and procedures will ensure that San Juan County meets all relevant legal standards. They will serve as the official document guiding the internal operations of the Board during public meetings. The scope of these policies is limited to the Board of Commissioners for any public meetings. It does not extend to other matters or entities.

### **HISTORY:**

These updated policies replace older rules of order and procedure that were adopted previously but have since become outdated and difficult to interpret. The County has spent nearly a year developing these revisions, relying heavily on input from its risk management provider, who participated in several Commission work sessions. Numerous changes have been made to address various concerns. The document is thorough and that further changes would be superfluous.

### **COMMENTS:**

The original framework for these policies and procedures was provided by the County's risk management consultants, who are highly knowledgeable about government rules of order and procedure.

## **POLICIES, PROCEDURES, AND RULES GOVERNING THE SAN JUAN COUNTY COMMISSION**

These rules are made pursuant to Section 17-64-303 and Section 17-64-305 of the Utah Code. A certified copy of these Rules of Order and Procedures and any subsequent amendments shall be filed with the County Clerk to be kept as a permanent public record. The County Clerk shall also cause these Rules of Order and Procedures to be posted at each meeting of the Commission held under the Open Public Meetings Act and on the San Juan County official website.

### **A. Definitions:**

1. **Chair/Presiding Officer:** Means the County Commissioner that is elected or appointed as Chair of the County Commission.
2. **County Commission:** Means the persons elected and sworn to the Commission, who have not been removed from office for any reason, acting collectively in a duly convened meeting of the Commission where a quorum is present.
3. **Governing Body:** Means the current County Commission acting collectively in a duly convened meeting of the Commission where a quorum is present.
4. **Majority Vote of Governing Body:** Means two (2) Commission Members' affirmative votes.
5. **Commissioner/ Commission Member/Commission Representative/Member:** Means the individual Commission Members acting individually.
6. **Membership:** Means the Commission Members.
7. **Official Action:** Means a written resolution of the Commission adopted by a majority vote in a duly convened meeting of the Commission where a quorum is present if required by State statute or County Ordinance. All statements of an official position of the County and all documents stating such a position must be approved through an Official Action.
8. **Quorum:** Means the minimum number of persons required to act as a Governing Body. A quorum requires two (2) Commission Members who must be present in person at the meeting location. Additional Members may attend by phone or other real-time means so long as an Electronic Meetings Resolution is enacted stating same. A quorum may not convene in violation of the Open and Public Meetings Act (U.C.A. 52-4-103).
9. **Convening a Meeting:** Meetings are convened by the chair, or by a majority vote of the commissioners. All convened meetings must be properly noticed as public meeting where a quorum is present. Meetings must comply with the Utah Open and Public Meetings Act, typically involving a posted agenda at least 24 hours in advance on the Utah Public Notice Website and at the Administration Building. Virtual or electronic meetings must comply with the County's electronic meetings ordinance as set forth in Title III at Chapter 31.015 of the San Juan County Code.
10. **Vice-Chair:** Means a Commissioner elected or appointed by the Governing Body to act as Chairperson/Presiding Officer, with all the powers of the Chairperson as defined in this policy, in the absence or disability of the Chair. The Vice-Chair's authority exists for the period of appointment of the Commissioner as Vice-Chair, rather than for a specific time period, such as a single Commission meeting.

11. Official County Commission Business: Means matters that have been formally acted upon or authorized by the Commission in a duly convened meeting of the Commission where a quorum is present and for which the matter was included on the Agenda properly noticed for the meeting.

12. Commission Officers: Means the Commission Chair and Vice-Chair.

**B. Commission Members:**

1. Appointment of the Officers: The Commission shall elect or appoint the Chair and the Vice Chair at its first meeting in January.
2. Commission Meeting Attendance: Commissioners are required to attend all regularly scheduled and special Commission Meetings. If an event arises that prevents attendance of a Commission Meeting, the County Administrator or his or her delegate should be notified in advance of the meeting.
3. Participation in Local, State or Federal Committees: Commissioners are encouraged to participate in other local, tribal, state and federal committees and associations which do not create a conflict of interest and inform the Commission accordingly.
4. County Commission Documents: The official San Juan County letterhead, which includes the San Juan County logo and names and titles of current officers/Commissioners, shall be used only for official County Commission business.
5. Commission Communications: Commissioners, including the Officers, purport to give an official position of San Juan County in written or verbal communication without specific prior approval from the Commission through an official action of the Commission taken in a duly called meeting of the Commission where a quorum is present unless the Commission has previously taken an official position through an official action on the matter. Commissioners shall distinguish and keep separate their personal opinions from the official positions of the Commission in the course of the discharge of their duties. This does not prohibit the expression of an opinion, advocacy for a position, or expression of disagreement.
6. Electronic Communication: Commissioners are encouraged to be mindful in their electronic communications that any electronic communications related to county business among two or more Commissioners are subject to GRAMA, the State's Government Records Access and Management Act. GRAMA gives "every person the right to inspect a public record" (U.C.A 63G-2-201(1)). It defines a public record as "public unless otherwise expressly provided by statute" (U.C.A 63G-2-201(2)). Exceptions are, according to U.C.A 63G-2- 202, "a record that is private, controlled, or protected" under State Code.
  - a. Furthermore, the State's Open and Public Meetings Act defines an electronic message as "a communication transmitted electronically including: electronic mail, instant messaging, electronic chat, text messaging, or any other method that conveys a message or facilitates communication electronically" (U.C.A 52-4-103(5)(a)).
  - b. The Open Meetings Act specifically states that the Act does not preclude "members of a public body" from transmitting "an electronic message to other members of the public body at a time when the public body is not convened in an open meeting" (U.C.A 52-4-210).

7. Commission E-mail and Communication Policy:

- a. Each Commission Member will be given a unique email address to conduct County business. Personal emails should be avoided conducting County business.
- b. In order to reduce duplicate emails, listserv emails from the organizations listed below will not be forwarded; rather Commission staff shall check at least annually to ensure that all Commissioners are on the direct distribution lists for:
  - UAC (Utah Association of Counties);
  - NACo (National Association of Counties);
  - CCP (Canyon Country Partnership);
  - San Juan County Canvassing Board;
  - San Juan County Board of Equalization;
  - San Juan County Redevelopment Agency; and
  - Any other organization requested by a Commissioner.
- c. Surface mail addressed to a specific Commissioner is to be placed in that Commissioner's box when received.

8. Municipal Building Authority and Board of Equalization: Commissioners shall serve as the Municipal Building Authority as required for capital projects and shall serve as the local Board of Equalization as required for property tax assessment matters. Commissioners shall receive training as required by statute.

9. County Board/Commission/Committee, Local and Special Service District Board Representation: All County Boards, Commissions, Committees, and Special Service District Boards may include one Commissioner representative either as a voting or ex-officio member according to the Board/Commission's enabling ordinance unless otherwise prohibited by law. County Committees shall include a Commissioner representative, if required, according to the Committee's enabling resolution.

**C. Commissioners' Participation on County Boards, Commissions & Committees and Local & Special Service District Boards:**

1. Assignments to County Boards, Commissions & Committees and Local & Special Service District Boards: In January of each year the Commission shall review each Commission Representative position to County Boards, Commissions and Committees, and Local and Special Service District Boards, and other agencies. Commissioners shall indicate which assignments they would prefer. For assignments selected by more than one Commissioner, the Commission shall vote on who receives the assignment. In the event that no Commissioner volunteers for an assignment, the Chair shall assign a Commissioner.
2. Commissioners' Role: Commissioners assigned to serve on County Boards, Commissions and Committees, and Local and Special Service District or other agency Boards shall serve as the liaison to the Commission, whether a voting member per enabling documents or not. Commissioners shall represent the Commission but cannot commit the County on any matter without first obtaining approval through an official action of the Commission.

3. **Boards/Commissions/Committees/Agencies Reporting to the Commission:** Commission Representatives to boards, commissions, committees, and agencies shall regularly report to the Commission during a Commission meeting and when action is required.
4. **Commissioner Participation:** Commissioners who are not assigned as representatives are encouraged to attend any Board, Commission, or Committee meeting for informational purposes and shall notify the Commission Representative of their interest to attend. Commissioners not assigned as Commission Representatives attending these meetings shall participate as members of the public.
5. **Special Service District Boards:** In accordance with (U.C.A 17D, Chapter 1) the Commission may establish Special Service District ("District") Boards. These Boards are independent of the County except that the Commission shall, pursuant to U.C.A Section 17D-1-303, make all appointments to such Administrative Control Boards except for District Boards elected by the public and where otherwise established in the organization's bylaws or enabling documents. Each District Board shall include one Commissioner representative as appointed or assigned by the Commission to serve the term established by the District bylaws. All business conducted by the District Board shall be independent of the County with the exception of the involvement of the Commission Representative. Joint meetings of the Commission Membership and the District Boards are encouraged for the purpose of establishing common goals and objectives. All Boards are under the direction of the Commission as per State Statute.
6. **Attendance:** Commission Members are required to attend all regularly scheduled and special Board, Commission, and Committee meetings to which they are assigned. If regular attendance at an assigned Board, Commission, or Committee meeting is not possible, the Commissioner will make arrangements for a re-appointment for that assignment.

**D. Duties of the Chair and Vice-Chair:**

1. **The Chair:** The Chair and the Vice-Chair acting as Chair shall have no veto power over official actions and no special substantive authority. The Chair is responsible for setting the Commission Agenda, facilitating Commission Meetings, and signing the Commission-approved documents. The Chair does not act on behalf of the Commission unless directed by the majority of the Commission Members through an official action and is subject to all of the provisions of Section B of these Policies and Procedures.
2. **Presiding Officer:** The Chair shall be the Presiding Officer at all meetings and hearings of the Commission.
3. **Vice-Chair:** In the event of absence or disability of the Chair, the Vice-Chair shall preside. Upon the Chair's request, the Vice-Chair shall assist with the discharge of any of the Chair's duties.
4. **Control of Chambers:** The Chair shall have control of the Commission Chambers during Commission meetings. The Chair shall maintain order and may call a recess for the purpose of restoring order, may cancel a meeting if order cannot be maintained, and may consult with the other Commissioners for the purpose of taking other lawful action that is approved by a majority of the Commissioners.
5. **Points of Order:** The Chair shall decide all points of order and procedure, subject to appeal of the Commission.

6. Roll Call Vote: Actions taken require a roll call vote with the minutes showing for each member of the Commission a vote of aye, nay or absent.
7. Sign Documents, Contracts and Agreements: The Chair shall sign resolutions, ordinances, and all other documents issued by the majority approval of the Commission. The Chair shall sign all contracts and agreements approved by Commission, including "all associated documents" included in motions. The Chair may delegate such signatory authority to the Vice-Chair as per Section D.3 The Chair, in his or her sole discretion, may consult with the County Administrator or his or her delegate and the County Attorney for review of the above documents.
8. Training on Open and Public Meetings Act: The Chair shall ensure that all Commissioners are provided with the opportunity for annual trainings of the Open and Public Meetings Act, U.C.A 52-4.
9. Voting Rights and Authority: The Presiding Officer at a meeting shall have the authority of other members of the Governing Body during a meeting including making motions, seconding a motion, voting and participating in discussion and debate. However, the Presiding Officer should only make a motion when no motion is forthcoming from another member of the Governing Body when the Presiding Officer has indicated that motion on an item is in order to move the meeting forward.

#### **E. The County Clerk:**

1. Meetings: The Clerk or deputy is expected to attend all Commission meetings and shall attest all instruments signed by the Chair, including resolutions and ordinances.
2. Notices: In collaboration with the County Administrator or his or her delegate , the County Clerk ensures that all required notices are posted or published as required by the Open and Public Meetings Act and that all notices include the date, time and name or initials of the person posting the notice.
3. The Commission, or their agent, is responsible for providing in a timely manner to the Clerk all information required for posting the necessary notices under the Open and Public Meetings Act.
4. Minutes: The Clerk or deputy prepares and maintains minutes and recordings of the proceedings, including closed sessions, as appropriate, and such journals and records as required. Minutes shall be posted on the County website once approved and shall include the following:
  - a. the date, time and place of the meeting;
  - b. the names of Commissioners present and absent;
  - c. the substance of all matters proposed, discussed, or decided by the Commission which may include a summary of comments made by Commissioners;
  - d. a record, by individual member, or each vote taken by the Commission;
  - e. the name of each person who:
    - (i) is not a Commissioner; and
    - (ii) after being recognized by the Commission Chair, provided testimony or comments to the Commission;

(iii) the substance, in brief, of the testimony or comments provided by the public; and

(iv) any other information that is a record of the proceedings of the meeting that any Commissioner requests be entered in the minutes or recordings.

**F. The County Attorney:**

1. Meeting Attendance: The County Attorney or its deputy shall attend meetings and hearings of the county legislative body as necessary. (U.C.A. 17-68-601(5)).
2. Legal Analysis by County Attorney: When requested, the County Attorney will provide a full and detailed written legal analysis of any action item on the Commission agenda in the manner described in these Policies and Procedures.
3. Approving as to form and legality: The County Attorney shall review and approve as to form and legality each county contract, ordinance, regulation, real estate document, conveyance, and legal document.
4. Legal Counsel: The County Attorney shall act as the legal advisor to the county and the County Commission in their official capacity as County Commissioners (U.C.A. 17-68-601).
5. Attorney/Client Relationship: The Commission, through official actions, may direct the County Attorney as to any legal matter where a client would ordinarily be able to direct the actions of the client's attorney. In any instance where the County Attorney fails to carry out the lawful directive of the Commission as stated in an official action, the Chair may take action to report that failure to appropriate officials or entities if so authorized by a majority vote of the Commission.

**G. Commission Meetings:**

1. Open and Public Meetings Act: All Commission Meetings, including Special Meetings, Emergency Meetings and Workshops, shall be in compliance with the Open and Public Meetings Act, U.C.A Title 52 Chapter 4. All Commission Meetings will be open to the public. Any closed sessions shall be in accordance with U.C.A 52-4-204.
2. Approval of Annual Schedule of Meetings: The Commission shall approve its annual meeting schedule during the December scheduled meeting and publish the approved schedule in accordance with U.C.A 52- 4-202.
3. Commission Meeting Dates and Times: The Commission shall hold regular meetings the first and third Tuesday of each month. Commission meetings will begin at 11:00 a.m. Public hearings to adopt or change a budget or to consider matters related to taxes or fees shall begin at 6:00 p.m. or later. Where practicable, Commission meetings shall be live-streamed and publicly broadcast.
4. Special and Emergency Meetings: The Chair or the Commission by majority vote may call a special meeting or an emergency meeting in accordance with the Utah Open and Public Meetings Act as becomes necessary.

5. Recess and Adjournment:
  - a. Commission meetings shall be adjourned by a majority vote and no further business may be conducted once a motion to adjourn has been adopted. A motion to adjourn takes precedence over all other motions, including pending motions.
  - b. The Commission may recess a meeting by a majority vote, if approved, has the effect of temporarily suspending the meeting. A motion to recess that extends the meeting past the current day has the effect of an adjournment.
  - c. The Commission may recess a meeting in order to convene itself as another entity of the County, such as a board or commission. Once the business of the board or commission is completed, the Commission may end the recess by majority vote and reconvene to complete the business stated on the approved Commission agenda.

#### **H. Agenda:**

1. Order of Business: The County Administrator or his or her delegate 's office shall prepare, and the Chair shall approve, a written agenda for each meeting.
2. Agenda Management and Preparation: Elected officials and department heads may submit to the County Administrator or his or her delegate items proposed for inclusion in the agenda in person or electronically, by not later than 5:00 pm. on the Thursday before the Commission meeting that they are to be included on the agenda. No item shall be accepted after that time, except as specifically stated in these Policies and Procedures.
3. Requests from others for inclusion on an agenda and supporting documentation must be received by 5 PM on the Thursday prior to a Regular Meeting and forty-eight (48) hours prior to any Special Meeting.
4. Proposed agenda items must be accompanied by all documents reasonably necessary for a clear understanding of the item by the Commission. For example, if a proposed resolution references a lease or a contract, the referenced documents must be included with the agenda item. The County Administrator or his or her delegate and Chair may after consultation reject all proposed agenda items that do not comply with this requirement.
5. Legal Review: All agenda items shall be submitted for legal review by the County Attorney when they are first received by the County Administrator or his or her delegate unless already reviewed by the County Attorney prior to sending to the County Administrator or his or her delegate .
  - a. The County Attorney shall provide a written legal review if requested by the Commission on any agenda item.
  - b. If requested by a Commissioner, the legal review provided by the County Attorney shall include cites to all legal authority or other materials referenced in the legal review.

- c. The County Attorney need not submit the legal review prior to a work session discussion of the agenda item, but must circulate the legal review to the Commissioners by not later than 5 p.m. on the Friday before the Commission meeting at which the item will be an action item on the Commission's agenda. Failure to provide a legal review by the appropriate deadlines shall be deemed to be a determination by the County Attorney that no legal issues exist as to that agenda item.
  - d. In the event that the legal review requires additional time, the County Attorney shall inform the Commissioners at or before the meeting.
6. Packet preparation and dissemination.
- a. The Commission Administrator shall assemble a Commission meeting packet, containing a copy of the agenda, all agenda items and all documents attached to each agenda item, except for those materials that are:
    - (i) copyrighted, unless written permission by the copyright holder is provided;
    - (ii) proprietary;
    - (iii) confidential;
    - (iv) (iv) related to a closed session; or (v) intended as legal communications. Such materials shall not be included in the general packet unless otherwise allowed by these bylaws or applicable law. Excluded materials shall be provided to the Commission under separate cover, marked "confidential".
  - b. The County Administrator or his or her delegate shall deliver the agenda and packet to the Commissioners, County Attorney, County Clerk, and County Library not less than 24 hours prior to the meeting at which that agenda will be considered.
  - c. The County Administrator or his or her delegate shall post a copy of the agenda at the meeting location and on the State Public Meeting Notice website, and shall also post a copy of the complete agenda and packet (with the exception of excluded materials) on the County website.

#### **I. Work Session Items and Procedure:**

1. The purpose of the Work Session is to allow the Commissioners to make an initial review of those proposed agenda items requiring an official action, identify issues or concerns regarding those items, make amendments to proposed resolutions or ordinances, and for non-controversial items to be moved to the Consent Agenda for expedited action.
2. The County Administrator or his or her delegate shall review all proposed agenda items and shall place all items requiring official action by the Commission on the Work Session agenda for the next meeting.
3. During the Work Session at the next regular meeting, the Commission shall discuss each Work Session agenda item.
4. Amendments may be made to proposed resolutions or ordinances on the Work Session agenda by motion and majority vote.

5. If all Commissioners agree, any Work Session item may be moved to the Consent Agenda of a subsequent meeting for approval without further discussion. All other items shall be placed on the General Business section of the following meeting for full discussion and vote.
6. Specific issues concerning items not placed on the Consent Agenda during the Work Session shall be identified and referred to the appropriate County officials or staff for assistance in addressing those issues before the next meeting of the Commission.

**J. Consent Agenda:**

1. The purpose of the Consent Agenda is to quickly process and dispose of noncontroversial matters by being adopted all at once.
2. All items on the Consent Agenda shall be considered without further discussion or debate.
3. All items on the Consent Agenda shall be voted on in a single vote. The items on the Consent Agenda are approved by a simple majority vote.
4. Any item may be removed from the Consent Agenda for the Commission consideration as part of the General Business section of the agenda during the meeting by a majority vote of the Commission.

**K. Meeting Location and Decorum:**

1. The meeting location of all Commission meetings shall be open to the public, with the exception of closed sessions.
2. All persons attending a Commission meeting shall behave in a respectful manner, shall only speak when first recognized by the Chair, shall refrain from interrupting the Commission or any other speaker who has been recognized by the Chair and shall behave in a way that does not disrupt the proceedings of the Commission. At the direction of the Chair, law enforcement may remove from the meeting any person intentionally disrupting the meeting or otherwise violating the law.

**M. Voting:**

1. To Pass Acts: Two (2) affirmative votes shall be necessary to pass any resolution, ordinance or act (motion).
2. Conflict of Interest: A Commissioner shall not vote where there is a conflict of interest defined by Utah Code section 67-16-9 and shall declare such conflict and decide if it warrants recusal from both the deliberations and the decision making process for that item. The Commissioner shall not debate the agenda matter from which she/he is recusing her/himself . Not voting and not debating are self-imposed limitations, it is not required by statute. Statute allows an official to debate and vote once they have disclosed the potential conflict. Not allowing a vote with a three person commission could lead to items that cannot be acted on as there is no tie breaking vote.
3. Failure to Vote: A failure to vote by a Commissioner who is present at the meeting shall be treated as a Nay vote on the motion. A failure to vote by a Commissioner who is absent from the meeting for any reason shall be treated as an absence.
4. Leaving Seat: When a motion is seconded, no Commissioner shall leave until their vote has been recorded except in the case of personal emergency.

5. **Change of Vote:** A Commissioner may change their vote after the call for the vote has been completed and before announcement of the result, but not thereafter.
6. **Abstentions:** Although it is the duty of every Commissioner to vote, they can abstain, as they cannot be compelled to vote. As the record of the roll call vote under statute requires each vote to be recorded as Aye, Nay or absent, failing to vote or abstaining will be recorded as a Nay vote.
7. **Questions Affecting a Commissioner:** Commissioners are permitted to vote for themselves for an office or other position to which Commissioners are generally eligible.

#### **N. Motions:**

1. **Making and Withdrawing:** When a motion is made, the Chair shall call for a second. The Chair shall restate the motion upon request by any Commissioner. If the motion receives a second, the Chair has discretion to restate the motion after debate and before vote commences. If there is no second to the motion the motion shall die without further debate due to the lack of a second. A motion may not be withdrawn by the person making the motion without the consent of the majority of the Commission once it has been seconded. The Chair may request that the motion is submitted in written form prior to the motion being stated by the Chair. The Chair may second a motion by another Commissioner.
2. **Division of Motion:** If the motion contains two (2) or more divisible propositions, the Chair may, and upon request of a Commissioner shall, divide the same.
3. **Motions Out of Order:** The Chair may not at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda unless a motion is made to take such item out of order and that motion is approved by majority vote. A proposed ordinance or resolution may also be moved by majority vote from the Work Meeting agenda to the Formal Meeting section of the agenda for action on the same day as the item was introduced on the Work Meeting agenda, so long as any changes made to the item are not so substantial as to necessitate re-noticing.
4. **Rescinding a Motion, Resolution, Order or Rule:** A motion, resolution, order, or rule that has been adopted at some previous meeting may be rescinded by a subsequent official action of the Commission; however, such rescission must be made by resolution. The effect of a rescission is that the prior motion, resolution, order or rule is treated as if it was never approved.
5. **Reconsidering a Motion:** A motion may be reconsidered at any time during the same meeting at which it was originally acted upon if the motion to reconsider is introduced by a Commissioner who had voted with the prevailing side and the motion is passed by a majority vote. Only after the motion to reconsider has been approved by the majority can the main motion be considered.
6. **Postponing a Motion:** Any item on the agenda may be postponed until the next meeting or a specific future date. A motion to postpone shall give best efforts to include the future time of consideration and reason for postponement. Any agenda item not postponed to a specific later date shall be automatically placed on the agenda of the next meeting of the Commission.
7. **Tabling a Motion:** Any item on the agenda may be tabled until later in the same meeting. A motion to table temporarily suspends further consideration or action on an agenda item until later in the meeting. A motion to bring back to the table shall be made to resume discussion on the item tabled. An item to be considered at a future meeting shall be postponed, rather than tabled.

8. Amending a Motion: Any main motion may be offered for amendment by a Commissioner after the main motion has been seconded and is under debate. The Commissioner who seconded the main motion must concur in the amendment.
9. Substituting a Motion: A motion may be made to substitute a different motion for the pending motion. If the motion to substitute fails, the Chair returns to the pending motion as originally read or made. If the motion to substitute passes, the question is now on the motion proposed for substitution and the original motion dies.
10. Chair's participation in making or seconding motions: If the Chair wishes to make an original motion, they shall first request a motion be made by another Commissioner. If no original motion is forthcoming the Chair may make their motion, and move forward with a request for second. The Chair may second motions while acting as the Chair. Nothing in this section shall be construed as restricting the Chair's ability to fully participate in the legislative process.

#### **O. Reading and Passage of Resolutions and Ordinances:**

All proposed resolutions and ordinances are subject to the following requirements for approval:

1. Printed or Electronic Copies. In order to be considered, printed or electronic copies of the proposed resolution or ordinance shall be in the possession of the Commission not less than 24 hours prior to the meeting. Such copies may be delivered by hand or electronically.
2. Read Into Record. All resolutions and ordinances, except those on the Consent Agenda, may be fully read into the record of the Commission by the Commission Chair or another County employee if so requested by the Chair.
3. Available to the Public: Copies of proposed resolutions shall be available to the public, when feasible, at the Clerk's office and the Library not less than forty eight (48) hours before the Commission convenes to take official action upon the resolution.
4. Effective Date of Ordinances: No ordinance passed by the Commission shall take effect within less than fifteen (15) days of its publication in accordance with U.C.A 17-64-502 unless authorized otherwise by state code, such as for emergencies or temporary land use regulations.
5. Amending a Resolution or Ordinance: Amendments of resolutions and ordinances shall be approved by a majority vote of the Commission and are subject to all of the provisions of this section.

#### **P. Decorum and Debate:**

1. Being Recognized: When a Commissioner desires to speak or make a motion, the Commissioner shall address the Chair by stating, "Mr./Madam Chair". Upon being recognized by the Chair, the Commissioner may then address the Chair. If a Commissioner wishes to ask a question or request information from staff or a members of the public, they should request the Chair direct such question or request for information.
2. First Person Recognized: When more than one Commissioner addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair. No other person may speak while the recognized Commissioner continues to hold the floor.
3. Interruptions: No Commissioner shall interrupt another, except when permitted by parliamentary procedure.

4. Decorum: No Commissioner shall indulge in personalities, attack the motives of Commissioner or use language tending to hold a Commissioner up to contempt or ridicule.
5. Debate with the Public: No Commissioner shall debate with the public or employees during meetings or workshops.
6. Limitation of Debate: In general, no Commissioner shall be allowed to speak more than once upon any one subject until all other Commissioners have had an opportunity to speak.
7. Electronic Devices: Use of electronic devices during a Commission meeting shall be limited to matters pertaining to the business of the meeting except in the case of personal emergency; such use is subject to the Open and Public Meetings Act (U.C.A 52-4) and GRAMA.
8. Leaving Chambers: No Commissioner shall leave the meeting location during a session 15 without informing the Chair, except for short breaks.

**Q. Participation by the Public:**

1. Unless it is a public hearing, public participation is a privilege and not a right.
2. Employee/Public Recognized: No person shall speak unless recognized by the Chair.
3. Citizens to Be Heard: During the Citizens to Be Heard portion of the meeting, citizens desiring to speak shall address themselves to the Chair. Upon being recognized, they shall stand, state their full name, address, who they represent, and state their subject matter.
4. No Interruptions: No person shall interrupt legislative proceedings.
5. Three-Minute Rule: No person of the public shall speak more than three (3) minutes except upon waiver by the Chair or on motion of the Commission.
6. Procedure: Orderly procedure requires that each member of the public shall proceed without interruption from the audience and shall retire when their time is up; that all statements shall be addressed to the Chair, and that there be no questioning or argument between individuals.
7. Questions: After being first recognized by the Chair, Commissioners and staff members may ask questions and make appropriate comments; however, no Commissioner should argue or debate an issue with the petitioner/member of the public.
8. No Assignment of Time: If there are several speakers on a matter, one person may not assign their time to another in an effort to increase the allowed speaking time. Individual citizens and citizen groups may select a person to make a presentation on their behalf, but each individual's speaking time will be limited to three minutes, subject to the discretion of the Chair or a vote of the Commission.
9. Orderly Conduct: Citizens attending meetings shall observe rules of propriety, decorum and good conduct. Unauthorized remarks and similar demonstrations shall not be permitted by the Chair who may direct the removal of offenders from the meeting.

**R. Public Hearings**

1. Posting of Public Hearing: All public hearings shall be published in the local newspaper of record and posted in accordance with Utah State Code, San Juan County and local ordinances, as applicable.

2. **Staff Presentation:** The appropriate staff shall make a presentation to the Commission and the public on behalf of the public hearing matter.
3. **Applicant Speaks:** Regarding Planning and Zoning issues, the applicant shall be invited first to speak to the Commissioners after the staff has made a presentation. Applicants may appear in person or be represented by legal or other counsel. Applicant statements shall be limited to ten (10) minutes or as otherwise indicated by the Chair.
4. **Questions:** Commissioners may direct questions to the applicant and/or staff in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from the staff.
5. **Opening Hearings:** The Chair shall open the hearing and invite the public to the podium for comment. All public participation shall be subject to the Decorum and Debate provisions of Section P.
6. **Closing Hearings:** Following public comment, if any, during the public hearing the Chair announces conclusion of this portion of the public hearing, stating that the public hearing will remain open for written public comment until 5PM on the date that is six (6) days before the next regularly scheduled meeting (or other specified date). The Chair further states that the matter will be considered at the next regularly scheduled meeting (or other specified date). A Commissioner may move to suspend these rules, by a majority vote, to take action and vote on the matter immediately. If the motion to take action is approved, the Commission can then move to consider the item.
7. **Written Comments:** Written comments may be submitted to the County Administrator or his or her delegate 's office for the record at the hearing for up to 5PM six (6) days before the next regularly scheduled Commission meeting. The County Administrator or his or her delegate shall ensure that all on-time written comments are made a part of the Commission packet for the Commission meeting at which the issue is to be considered. At the close of each public hearing the County Administrator or his or her delegate shall ensure that all on-time written comments have been forwarded to the Clerk's Office for public record.
8. **Late Comments:** Written comments are considered late any time after 5PM six (6) days before the next regularly scheduled Commission meeting that follows the public hearing, unless a different date is specified by the Chair. Late comments (whether received by Commission staff by email, mail or delivery) will be forwarded electronically by Commission staff to each Commissioner. However, late comments will not be made available by Commission staff for the Commission meeting nor made a part of the online archived public record.

#### **S. Amendment of Policies and Procedures:**

1. **Amending the Policies and Procedures:** No policy or procedure of the Commission shall be amended except by majority vote. Consideration of proposed amendments shall be held during regularly scheduled meeting(s).
2. **Resolution Required:** Amendment of these Policies and Procedures shall be through resolution. A redlined document shall be archived electronically by the County Clerk identifying all changes for approval.

- 3. Policies and Procedures Considered Amended: Policies and Procedures, including these Rules of Order and Procedures, of the Commission that are enacted or amended in a manner which creates a conflict with a prior Policy or Procedure are considered to have been amended to the extent necessary to comply with the most recently enacted or amended Policy or Procedure. Policies and Procedures containing statutory references or citations are considered amended when the statute referenced or cited is amended.

ADOPTED AND PASSED THIS \_\_\_\_ DAY OF FEBRUARY, 2026

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ATTEST:

SJC BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Lyman Duncan – Clerk/Auditor

\_\_\_\_\_  
Lori Maughan – Commission Chair

## **POLICIES, PROCEDURES, AND RULES GOVERNING THE SAN JUAN COUNTY COMMISSION**

These rules are made pursuant to Section 17-64-303 and Section 17-64-305 of the Utah Code. A certified copy of these Rules of Order and Procedures and any subsequent amendments shall be filed with the County Clerk to be kept as a permanent public record. The County Clerk shall also cause these Rules of Order and Procedures to be posted at each meeting of the Commission held under the Open Public Meetings Act and on the San Juan County official website.

### **A. Definitions:**

1. **Chair/Presiding Officer:** Means the County Commissioner that is elected or appointed as Chair of the County Commission.
2. **County Commission:** Means the persons elected and sworn to the Commission, who have not been removed from office for any reason, acting collectively in a duly convened meeting of the Commission where a quorum is present.
3. **Governing Body:** Means the current County Commission acting collectively in a duly convened meeting of the Commission where a quorum is present.
4. **Majority Vote of Governing Body:** Means two (2) Commission Members' affirmative votes.
5. **Commissioner/ Commission Member/Commission Representative/Member:** Means the individual Commission Members acting individually.
6. **Membership:** Means the Commission Members.
7. **Official Action:** Means a written resolution of the Commission adopted by a majority vote in a duly convened meeting of the Commission where a quorum is present if required by State statute or County Ordinance. All statements of an official position of the County and all documents stating such a position must be approved through an Official Action.
8. **Quorum:** Means the minimum number of persons required to act as a Governing Body. A quorum requires two (2) Commission Members who must be present in person at the meeting location. Additional Members may attend by phone or other real-time means so long as an Electronic Meetings Resolution is enacted stating same. A quorum may not convene in violation of the Open and Public Meetings Act (U.C.A. 52-4-103).
9. **Convening a Meeting:** Meetings are convened by the chair, or by a majority vote of the commissioners. All convened meetings must be properly noticed as public meeting where a quorum is present. Meetings must comply with the Utah Open and Public Meetings Act, typically involving a posted agenda at least 24 hours in advance on the Utah Public Notice Website and at the Administration Building. Virtual or electronic meetings must comply with the County's electronic meetings ordinance as set forth in Title III at Chapter 31.015 of the San Juan County Code.
10. **Vice-Chair:** Means a Commissioner elected or appointed by the Governing Body to act as Chairperson/Presiding Officer, with all the powers of the Chairperson as defined in this policy, in the absence or disability of the Chair. The Vice-Chair's authority exists for the period of appointment of the Commissioner as Vice-Chair, rather than for a specific time period, such as a single Commission meeting.

11. Official County Commission Business: Means matters that have been formally acted upon or authorized by the Commission in a duly convened meeting of the Commission where a quorum is present and for which the matter was included on the Agenda properly noticed for the meeting.

12. Commission Officers: Means the Commission Chair and Vice-Chair.

**B. Commission Members:**

1. Appointment of the Officers: The Commission shall elect or appoint the Chair and the Vice Chair at its first meeting in January.
2. Commission Meeting Attendance: Commissioners are required to attend all regularly scheduled and special Commission Meetings. If an event arises that prevents attendance of a Commission Meeting, the County Administrator or his or her delegate should be notified in advance of the meeting.
3. Participation in Local, State or Federal Committees: Commissioners are encouraged to participate in other local, tribal, state and federal committees and associations which do not create a conflict of interest and inform the Commission accordingly.
4. County Commission Documents: The official San Juan County letterhead, which includes the San Juan County logo and names and titles of current officers/Commissioners, shall be used only for official County Commission business.
5. Commission Communications: Commissioners, including the Officers, purport to give an official position of San Juan County in written or verbal communication without specific prior approval from the Commission through an official action of the Commission taken in a duly called meeting of the Commission where a quorum is present unless the Commission has previously taken an official position through an official action on the matter. Commissioners shall distinguish and keep separate their personal opinions from the official positions of the Commission in the course of the discharge of their duties. This does not prohibit the expression of an opinion, advocacy for a position, or expression of disagreement.
6. Electronic Communication: Commissioners are encouraged to be mindful in their electronic communications that any electronic communications related to county business among two or more Commissioners are subject to GRAMA, the State's Government Records Access and Management Act. GRAMA gives "every person the right to inspect a public record" (U.C.A 63G-2-201(1)). It defines a public record as "public unless otherwise expressly provided by statute" (U.C.A 63G-2-201(2)). Exceptions are, according to U.C.A 63G-2- 202, "a record that is private, controlled, or protected" under State Code.
  - a. Furthermore, the State's Open and Public Meetings Act defines an electronic message as "a communication transmitted electronically including: electronic mail, instant messaging, electronic chat, text messaging, or any other method that conveys a message or facilitates communication electronically" (U.C.A 52-4-103(5)(a)).
  - b. The Open Meetings Act specifically states that the Act does not preclude "members of a public body" from transmitting "an electronic message to other members of the public body at a time when the public body is not convened in an open meeting" (U.C.A 52-4-210).

7. Commission E-mail and Communication Policy:

- a. Each Commission Member will be given a unique email address to conduct County business. Personal emails should be avoided conducting County business.
- b. In order to reduce duplicate emails, listserv emails from the organizations listed below will not be forwarded; rather Commission staff shall check at least annually to ensure that all Commissioners are on the direct distribution lists for:
  - UAC (Utah Association of Counties);
  - NACo (National Association of Counties);
  - CCP (Canyon Country Partnership);
  - San Juan County Canvassing Board;
  - San Juan County Board of Equalization;
  - San Juan County Redevelopment Agency; and
  - Any other organization requested by a Commissioner.
- c. Surface mail addressed to a specific Commissioner is to be placed in that Commissioner's box when received.

8. Municipal Building Authority and Board of Equalization: Commissioners shall serve as the Municipal Building Authority as required for capital projects and shall serve as the local Board of Equalization as required for property tax assessment matters. Commissioners shall receive training as required by statute.

9. County Board/Commission/Committee, Local and Special Service District Board Representation: All County Boards, Commissions, Committees, and Special Service District Boards may include one Commissioner representative either as a voting or ex-officio member according to the Board/Commission's enabling ordinance unless otherwise prohibited by law. County Committees shall include a Commissioner representative, if required, according to the Committee's enabling resolution.

**C. Commissioners' Participation on County Boards, Commissions & Committees and Local & Special Service District Boards:**

1. Assignments to County Boards, Commissions & Committees and Local & Special Service District Boards: In January of each year the Commission shall review each Commission Representative position to County Boards, Commissions and Committees, and Local and Special Service District Boards, and other agencies. Commissioners shall indicate which assignments they would prefer. For assignments selected by more than one Commissioner, the Commission shall vote on who receives the assignment. In the event that no Commissioner volunteers for an assignment, the Chair shall assign a Commissioner.
2. Commissioners' Role: Commissioners assigned to serve on County Boards, Commissions and Committees, and Local and Special Service District or other agency Boards shall serve as the liaison to the Commission, whether a voting member per enabling documents or not. Commissioners shall represent the Commission but cannot commit the County on any matter without first obtaining approval through an official action of the Commission.

3. **Boards/Commissions/Committees/Agencies Reporting to the Commission:** Commission Representatives to boards, commissions, committees, and agencies shall regularly report to the Commission during a Commission meeting and when action is required.
4. **Commissioner Participation:** Commissioners who are not assigned as representatives are encouraged to attend any Board, Commission, or Committee meeting for informational purposes and shall notify the Commission Representative of their interest to attend. Commissioners not assigned as Commission Representatives attending these meetings shall participate as members of the public.
5. **Special Service District Boards:** In accordance with (U.C.A 17D, Chapter 1) the Commission may establish Special Service District ("District") Boards. These Boards are independent of the County except that the Commission shall, pursuant to U.C.A Section 17D-1-303, make all appointments to such Administrative Control Boards except for District Boards elected by the public and where otherwise established in the organization's bylaws or enabling documents. Each District Board shall include one Commissioner representative as appointed or assigned by the Commission to serve the term established by the District bylaws. All business conducted by the District Board shall be independent of the County with the exception of the involvement of the Commission Representative. Joint meetings of the Commission Membership and the District Boards are encouraged for the purpose of establishing common goals and objectives. All Boards are under the direction of the Commission as per State Statute.
6. **Attendance:** Commission Members are required to attend all regularly scheduled and special Board, Commission, and Committee meetings to which they are assigned. If regular attendance at an assigned Board, Commission, or Committee meeting is not possible, the Commissioner will make arrangements for a re-appointment for that assignment.

**D. Duties of the Chair and Vice-Chair:**

1. **The Chair:** The Chair and the Vice-Chair acting as Chair shall have no veto power over official actions and no special substantive authority. The Chair is responsible for setting the Commission Agenda, facilitating Commission Meetings, and signing the Commission-approved documents. The Chair does not act on behalf of the Commission unless directed by the majority of the Commission Members through an official action and is subject to all of the provisions of Section B of these Policies and Procedures.
2. **Presiding Officer:** The Chair shall be the Presiding Officer at all meetings and hearings of the Commission.
3. **Vice-Chair:** In the event of absence or disability of the Chair, the Vice-Chair shall preside. Upon the Chair's request, the Vice-Chair shall assist with the discharge of any of the Chair's duties.
4. **Control of Chambers:** The Chair shall have control of the Commission Chambers during Commission meetings. The Chair shall maintain order and may call a recess for the purpose of restoring order, may cancel a meeting if order cannot be maintained, and may consult with the other Commissioners for the purpose of taking other lawful action that is approved by a majority of the Commissioners.
5. **Points of Order:** The Chair shall decide all points of order and procedure, subject to appeal of the Commission.

6. Roll Call Vote: Actions taken require a roll call vote with the minutes showing for each member of the Commission a vote of aye, nay or absent.
7. Sign Documents, Contracts and Agreements: The Chair shall sign resolutions, ordinances, and all other documents issued by the majority approval of the Commission. The Chair shall sign all contracts and agreements approved by Commission, including "all associated documents" included in motions. The Chair may delegate such signatory authority to the Vice-Chair as per Section D.3 The Chair, in his or her sole discretion, may consult with the County Administrator or his or her delegate and the County Attorney for review of the above documents.
8. Training on Open and Public Meetings Act: The Chair shall ensure that all Commissioners are provided with the opportunity for annual trainings of the Open and Public Meetings Act, U.C.A 52-4.
9. Voting Rights and Authority: The Presiding Officer at a meeting shall have the authority of other members of the Governing Body during a meeting including making motions, seconding a motion, voting and participating in discussion and debate. However, the Presiding Officer should only make a motion when no motion is forthcoming from another member of the Governing Body when the Presiding Officer has indicated that motion on an item is in order to move the meeting forward.

#### **E. The County Clerk:**

1. Meetings: The Clerk or deputy is expected to attend all Commission meetings and shall attest all instruments signed by the Chair, including resolutions and ordinances.
2. Notices: In collaboration with the County Administrator or his or her delegate , the County Clerk ensures that all required notices are posted or published as required by the Open and Public Meetings Act and that all notices include the date, time and name or initials of the person posting the notice.
3. The Commission, or their agent, is responsible for providing in a timely manner to the Clerk all information required for posting the necessary notices under the Open and Public Meetings Act.
4. Minutes: The Clerk or deputy prepares and maintains minutes and recordings of the proceedings, including closed sessions, as appropriate, and such journals and records as required. Minutes shall be posted on the County website once approved and shall include the following:
  - a. the date, time and place of the meeting;
  - b. the names of Commissioners present and absent;
  - c. the substance of all matters proposed, discussed, or decided by the Commission which may include a summary of comments made by Commissioners;
  - d. a record, by individual member, or each vote taken by the Commission;
  - e. the name of each person who:
    - (i) is not a Commissioner; and
    - (ii) after being recognized by the Commission Chair, provided testimony or comments to the Commission;

(iii) the substance, in brief, of the testimony or comments provided by the public; and

(iv) any other information that is a record of the proceedings of the meeting that any Commissioner requests be entered in the minutes or recordings.

**F. The County Attorney:**

1. Meeting Attendance: The County Attorney or its deputy shall attend meetings and hearings of the county legislative body as necessary. (U.C.A. 17-68-601(5)).
2. Legal Analysis by County Attorney: When requested, the County Attorney will provide a full and detailed written legal analysis of any action item on the Commission agenda in the manner described in these Policies and Procedures.
3. Approving as to form and legality: The County Attorney shall review and approve as to form and legality each county contract, ordinance, regulation, real estate document, conveyance, and legal document.
4. Legal Counsel: The County Attorney shall act as the legal advisor to the county and the County Commission in their official capacity as County Commissioners (U.C.A. 17-68-601).
5. Attorney/Client Relationship: The Commission, through official actions, may direct the County Attorney as to any legal matter where a client would ordinarily be able to direct the actions of the client's attorney. In any instance where the County Attorney fails to carry out the lawful directive of the Commission as stated in an official action, the Chair may take action to report that failure to appropriate officials or entities if so authorized by a majority vote of the Commission.

**G. Commission Meetings:**

1. Open and Public Meetings Act: All Commission Meetings, including Special Meetings, Emergency Meetings and Workshops, shall be in compliance with the Open and Public Meetings Act, U.C.A Title 52 Chapter 4. All Commission Meetings will be open to the public. Any closed sessions shall be in accordance with U.C.A 52-4-204.
2. Approval of Annual Schedule of Meetings: The Commission shall approve its annual meeting schedule during the December scheduled meeting and publish the approved schedule in accordance with U.C.A 52- 4-202.
3. Commission Meeting Dates and Times: The Commission shall hold regular meetings the first and third Tuesday of each month. Commission meetings will begin at 11:00 a.m. Public hearings to adopt or change a budget or to consider matters related to taxes or fees shall begin at 6:00 p.m. or later. Where practicable, Commission meetings shall be live-streamed and publicly broadcast.
4. Special and Emergency Meetings: The Chair or the Commission by majority vote may call a special meeting or an emergency meeting in accordance with the Utah Open and Public Meetings Act as becomes necessary.

5. Recess and Adjournment:

- a. Commission meetings shall be adjourned by a majority vote and no further business may be conducted once a motion to adjourn has been adopted. A motion to adjourn takes precedence over all other motions, including pending motions.
- b. The Commission may recess a meeting by a majority vote, if approved, has the effect of temporarily suspending the meeting. A motion to recess that extends the meeting past the current day has the effect of an adjournment.
- c. The Commission may recess a meeting in order to convene itself as another entity of the County, such as a board or commission. Once the business of the board or commission is completed, the Commission may end the recess by majority vote and reconvene to complete the business stated on the approved Commission agenda.

**H. Agenda:**

1. Order of Business: The County Administrator or his or her delegate 's office shall prepare, and the Chair shall approve, a written agenda for each meeting.
2. Agenda Management and Preparation: Elected officials and department heads may submit to the County Administrator or his or her delegate items proposed for inclusion in the agenda in person or electronically, by not later than 5:00 pm. on the Thursday before the Commission meeting that they are to be included on the agenda. No item shall be accepted after that time, except as specifically stated in these Policies and Procedures.
3. Requests from others for inclusion on an agenda and supporting documentation must be received by 5 PM on the Thursday prior to a Regular Meeting and forty-eight (48) hours prior to any Special Meeting.
4. Proposed agenda items must be accompanied by all documents reasonably necessary for a clear understanding of the item by the Commission. For example, if a proposed resolution references a lease or a contract, the referenced documents must be included with the agenda item. The County Administrator or his or her delegate and Chair may after consultation reject all proposed agenda items that do not comply with this requirement.
5. Legal Review: All agenda items shall be submitted for legal review by the County Attorney when they are first received by the County Administrator or his or her delegate unless already reviewed by the County Attorney prior to sending to the County Administrator or his or her delegate .
  - a. The County Attorney shall provide a written legal review if requested by the Commission on any agenda item.
  - b. If requested by a Commissioner, the legal review provided by the County Attorney shall include cites to all legal authority or other materials referenced in the legal review.

- c. The County Attorney need not submit the legal review prior to a work session discussion of the agenda item, but must circulate the legal review to the Commissioners by not later than 5 p.m. on the Friday before the Commission meeting at which the item will be an action item on the Commission's agenda. Failure to provide a legal review by the appropriate deadlines shall be deemed to be a determination by the County Attorney that no legal issues exist as to that agenda item.
  - d. In the event that the legal review requires additional time, the County Attorney shall inform the Commissioners at or before the meeting.
6. Packet preparation and dissemination.
- a. The Commission Administrator shall assemble a Commission meeting packet, containing a copy of the agenda, all agenda items and all documents attached to each agenda item, except for those materials that are:
    - (i) copyrighted, unless written permission by the copyright holder is provided;
    - (ii) proprietary;
    - (iii) confidential;
    - (iv) (iv) related to a closed session; or (v) intended as legal communications. Such materials shall not be included in the general packet unless otherwise allowed by these bylaws or applicable law. Excluded materials shall be provided to the Commission under separate cover, marked "confidential".
  - b. The County Administrator or his or her delegate shall deliver the agenda and packet to the Commissioners, County Attorney, County Clerk, and County Library not less than 24 hours prior to the meeting at which that agenda will be considered.
  - c. The County Administrator or his or her delegate shall post a copy of the agenda at the meeting location and on the State Public Meeting Notice website, and shall also post a copy of the complete agenda and packet (with the exception of excluded materials) on the County website.

#### **I. Work Session Items and Procedure:**

1. The purpose of the Work Session is to allow the Commissioners to make an initial review of those proposed agenda items requiring an official action, identify issues or concerns regarding those items, make amendments to proposed resolutions or ordinances, and for non-controversial items to be moved to the Consent Agenda for expedited action.
2. The County Administrator or his or her delegate shall review all proposed agenda items and shall place all items requiring official action by the Commission on the Work Session agenda for the next meeting.
3. During the Work Session at the next regular meeting, the Commission shall discuss each Work Session agenda item.
4. Amendments may be made to proposed resolutions or ordinances on the Work Session agenda by motion and majority vote.

5. If all Commissioners agree, any Work Session item may be moved to the Consent Agenda of a subsequent meeting for approval without further discussion. All other items shall be placed on the General Business section of the following meeting for full discussion and vote.
6. Specific issues concerning items not placed on the Consent Agenda during the Work Session shall be identified and referred to the appropriate County officials or staff for assistance in addressing those issues before the next meeting of the Commission.

#### **J. Consent Agenda:**

1. The purpose of the Consent Agenda is to quickly process and dispose of noncontroversial matters by being adopted all at once.
2. All items on the Consent Agenda shall be considered without further discussion or debate.
3. All items on the Consent Agenda shall be voted on in a single vote. The items on the Consent Agenda are approved by a simple majority vote.
4. Any item may be removed from the Consent Agenda for the Commission consideration as part of the General Business section of the agenda during the meeting by a majority vote of the Commission.

#### **K. Meeting Location and Decorum:**

1. The meeting location of all Commission meetings shall be open to the public, with the exception of closed sessions.
2. All persons attending a Commission meeting shall behave in a respectful manner, shall only speak when first recognized by the Chair, shall refrain from interrupting the Commission or any other speaker who has been recognized by the Chair and shall behave in a way that does not disrupt the proceedings of the Commission. At the direction of the Chair, law enforcement may remove from the meeting any person intentionally disrupting the meeting or otherwise violating the law.

#### **M. Voting:**

1. To Pass Acts: Two (2) affirmative votes shall be necessary to pass any resolution, ordinance or act (motion).
2. Conflict of Interest: A Commissioner shall not vote where there is a conflict of interest defined by Utah Code section 67-16-9 and shall declare such conflict and decide if it warrants recusal from both the deliberations and the decision making process for that item. The Commissioner shall not debate the agenda matter from which she/he is recusing her/himself . Not voting and not debating are self-imposed limitations, it is not required by statute. Statute allows an official to debate and vote once they have disclosed the potential conflict. Not allowing a vote with a three person commission could lead to items that cannot be acted on as there is no tie breaking vote.
3. Failure to Vote: A failure to vote by a Commissioner who is present at the meeting shall be treated as a Nay vote on the motion. A failure to vote by a Commissioner who is absent from the meeting for any reason shall be treated as an absence.
4. Leaving Seat: When a motion is seconded, no Commissioner shall leave until their vote has been recorded except in the case of personal emergency.

5. **Change of Vote:** A Commissioner may change their vote after the call for the vote has been completed and before announcement of the result, but not thereafter.
6. **Abstentions:** Although it is the duty of every Commissioner to vote, they can abstain, as they cannot be compelled to vote. As the record of the roll call vote under statute requires each vote to be recorded as Aye, Nay or absent, failing to vote or abstaining will be recorded as a Nay vote.
7. **Questions Affecting a Commissioner:** Commissioners are permitted to vote for themselves for an office or other position to which Commissioners are generally eligible.

#### **N. Motions:**

1. **Making and Withdrawing:** When a motion is made, the Chair shall call for a second. The Chair shall restate the motion upon request by any Commissioner. If the motion receives a second, the Chair has discretion to restate the motion after debate and before vote commences. If there is no second to the motion the motion shall die without further debate due to the lack of a second. A motion may not be withdrawn by the person making the motion without the consent of the majority of the Commission once it has been seconded. The Chair may request that the motion is submitted in written form prior to the motion being stated by the Chair. The Chair may second a motion by another Commissioner.
2. **Division of Motion:** If the motion contains two (2) or more divisible propositions, the Chair may, and upon request of a Commissioner shall, divide the same.
3. **Motions Out of Order:** The Chair may not at any time permit a member to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda unless a motion is made to take such item out of order and that motion is approved by majority vote. A proposed ordinance or resolution may also be moved by majority vote from the Work Meeting agenda to the Formal Meeting section of the agenda for action on the same day as the item was introduced on the Work Meeting agenda, so long as any changes made to the item are not so substantial as to necessitate re-noticing.
4. **Rescinding a Motion, Resolution, Order or Rule:** A motion, resolution, order, or rule that has been adopted at some previous meeting may be rescinded by a subsequent official action of the Commission; however, such rescission must be made by resolution. The effect of a rescission is that the prior motion, resolution, order or rule is treated as if it was never approved.
5. **Reconsidering a Motion:** A motion may be reconsidered at any time during the same meeting at which it was originally acted upon if the motion to reconsider is introduced by a Commissioner who had voted with the prevailing side and the motion is passed by a majority vote. Only after the motion to reconsider has been approved by the majority can the main motion be considered.
6. **Postponing a Motion:** Any item on the agenda may be postponed until the next meeting or a specific future date. A motion to postpone shall give best efforts to include the future time of consideration and reason for postponement. Any agenda item not postponed to a specific later date shall be automatically placed on the agenda of the next meeting of the Commission.
7. **Tabling a Motion:** Any item on the agenda may be tabled until later in the same meeting. A motion to table temporarily suspends further consideration or action on an agenda item until later in the meeting. A motion to bring back to the table shall be made to resume discussion on the item tabled. An item to be considered at a future meeting shall be postponed, rather than tabled.

8. Amending a Motion: Any main motion may be offered for amendment by a Commissioner after the main motion has been seconded and is under debate. The Commissioner who seconded the main motion must concur in the amendment.
9. Substituting a Motion: A motion may be made to substitute a different motion for the pending motion. If the motion to substitute fails, the Chair returns to the pending motion as originally read or made. If the motion to substitute passes, the question is now on the motion proposed for substitution and the original motion dies.
10. Chair's participation in making or seconding motions: If the Chair wishes to make an original motion, they shall first request a motion be made by another Commissioner. If no original motion is forthcoming the Chair may make their motion, and move forward with a request for second. The Chair may second motions while acting as the Chair. Nothing in this section shall be construed as restricting the Chair's ability to fully participate in the legislative process.

#### **O. Reading and Passage of Resolutions and Ordinances:**

All proposed resolutions and ordinances are subject to the following requirements for approval:

1. Printed or Electronic Copies. In order to be considered, printed or electronic copies of the proposed resolution or ordinance shall be in the possession of the Commission not less than 24 hours prior to the meeting. Such copies may be delivered by hand or electronically.
2. Read Into Record. All resolutions and ordinances, except those on the Consent Agenda, may be fully read into the record of the Commission by the Commission Chair or another County employee if so requested by the Chair.
3. Available to the Public: Copies of proposed resolutions shall be available to the public, when feasible, at the Clerk's office and the Library not less than forty eight (48) hours before the Commission convenes to take official action upon the resolution.
4. Effective Date of Ordinances: No ordinance passed by the Commission shall take effect within less than fifteen (15) days of its publication in accordance with U.C.A 17-64-502 unless authorized otherwise by state code, such as for emergencies or temporary land use regulations.
5. Amending a Resolution or Ordinance: Amendments of resolutions and ordinances shall be approved by a majority vote of the Commission and are subject to all of the provisions of this section.

#### **P. Decorum and Debate:**

1. Being Recognized: When a Commissioner desires to speak or make a motion, the Commissioner shall address the Chair by stating, "Mr./Madam Chair". Upon being recognized by the Chair, the Commissioner may then address the Chair. If a Commissioner wishes to ask a question or request information from staff or a members of the public, they should request the Chair direct such question or request for information.
2. First Person Recognized: When more than one Commissioner addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair. No other person may speak while the recognized Commissioner continues to hold the floor.
3. Interruptions: No Commissioner shall interrupt another, except when permitted by parliamentary procedure.

4. Decorum: No Commissioner shall indulge in personalities, attack the motives of Commissioner or use language tending to hold a Commissioner up to contempt or ridicule.
5. Debate with the Public: No Commissioner shall debate with the public or employees during meetings or workshops.
6. Limitation of Debate: In general, no Commissioner shall be allowed to speak more than once upon any one subject until all other Commissioners have had an opportunity to speak.
7. Electronic Devices: Use of electronic devices during a Commission meeting shall be limited to matters pertaining to the business of the meeting except in the case of personal emergency; such use is subject to the Open and Public Meetings Act (U.C.A 52-4) and GRAMA.
8. Leaving Chambers: No Commissioner shall leave the meeting location during a session 15 without informing the Chair, except for short breaks.

#### **Q. Participation by the Public:**

1. Unless it is a public hearing, public participation is a privilege and not a right.
2. Employee/Public Recognized: No person shall speak unless recognized by the Chair.
3. Citizens to Be Heard: During the Citizens to Be Heard portion of the meeting, citizens desiring to speak shall address themselves to the Chair. Upon being recognized, they shall stand, state their full name, address, who they represent, and state their subject matter.
4. No Interruptions: No person shall interrupt legislative proceedings.
5. Three-Minute Rule: No person of the public shall speak more than three (3) minutes except upon waiver by the Chair or on motion of the Commission.
6. Procedure: Orderly procedure requires that each member of the public shall proceed without interruption from the audience and shall retire when their time is up; that all statements shall be addressed to the Chair, and that there be no questioning or argument between individuals.
7. Questions: After being first recognized by the Chair, Commissioners and staff members may ask questions and make appropriate comments; however, no Commissioner should argue or debate an issue with the petitioner/member of the public.
8. No Assignment of Time: If there are several speakers on a matter, one person may not assign their time to another in an effort to increase the allowed speaking time. Individual citizens and citizen groups may select a person to make a presentation on their behalf, but each individual's speaking time will be limited to three minutes, subject to the discretion of the Chair or a vote of the Commission.
9. Orderly Conduct: Citizens attending meetings shall observe rules of propriety, decorum and good conduct. Unauthorized remarks and similar demonstrations shall not be permitted by the Chair who may direct the removal of offenders from the meeting.

#### **R. Public Hearings**

1. Posting of Public Hearing: All public hearings shall be published in the local newspaper of record and posted in accordance with Utah State Code, San Juan County and local ordinances, as applicable.

2. **Staff Presentation:** The appropriate staff shall make a presentation to the Commission and the public on behalf of the public hearing matter.
3. **Applicant Speaks:** Regarding Planning and Zoning issues, the applicant shall be invited first to speak to the Commissioners after the staff has made a presentation. Applicants may appear in person or be represented by legal or other counsel. Applicant statements shall be limited to ten (10) minutes or as otherwise indicated by the Chair.
4. **Questions:** Commissioners may direct questions to the applicant and/or staff in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from the staff.
5. **Opening Hearings:** The Chair shall open the hearing and invite the public to the podium for comment. All public participation shall be subject to the Decorum and Debate provisions of Section P.
6. **Closing Hearings:** Following public comment, if any, during the public hearing the Chair announces conclusion of this portion of the public hearing, stating that the public hearing will remain open for written public comment until 5PM on the date that is six (6) days before the next regularly scheduled meeting (or other specified date). The Chair further states that the matter will be considered at the next regularly scheduled meeting (or other specified date). A Commissioner may move to suspend these rules, by a majority vote, to take action and vote on the matter immediately. If the motion to take action is approved, the Commission can then move to consider the item.
7. **Written Comments:** Written comments may be submitted to the County Administrator or his or her delegate 's office for the record at the hearing for up to 5PM six (6) days before the next regularly scheduled Commission meeting. The County Administrator or his or her delegate shall ensure that all on-time written comments are made a part of the Commission packet for the Commission meeting at which the issue is to be considered. At the close of each public hearing the County Administrator or his or her delegate shall ensure that all on-time written comments have been forwarded to the Clerk's Office for public record.
8. **Late Comments:** Written comments are considered late any time after 5PM six (6) days before the next regularly scheduled Commission meeting that follows the public hearing, unless a different date is specified by the Chair. Late comments (whether received by Commission staff by email, mail or delivery) will be forwarded electronically by Commission staff to each Commissioner. However, late comments will not be made available by Commission staff for the Commission meeting nor made a part of the online archived public record.

#### **S. Amendment of Policies and Procedures:**

1. **Amending the Policies and Procedures:** No policy or procedure of the Commission shall be amended except by majority vote. Consideration of proposed amendments shall be held during regularly scheduled meeting(s).
2. **Resolution Required:** Amendment of these Policies and Procedures shall be through resolution. A redlined document shall be archived electronically by the County Clerk identifying all changes for approval.

3. Policies and Procedures Considered Amended: Policies and Procedures, including these Rules of Order and Procedures, of the Commission that are enacted or amended in a manner which creates a conflict with a prior Policy or Procedure are considered to have been amended to the extent necessary to comply with the most recently enacted or amended Policy or Procedure. Policies and Procedures containing statutory references or citations are considered amended when the statute referenced or cited is amended.

ADOPTED AND PASSED THIS \_\_\_\_ DAY OF FEBRUARY, 2026

ATTEST:

SJC BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Lyman Duncan – Clerk/Auditor

\_\_\_\_\_  
Lori Maughan – Commission Chair



## PURCHASE CARD USE POLICY

All transactions charged to San Juan County-issued purchase cards shall be made in compliance with adopted San Juan County policies and procedures. County-issued purchase cards shall not be used to avoid or bypass adopted purchasing or procurement rules. Employees should exercise good judgement and act responsibly when using a County-issued Purchase Card. Purchase cards are to be used only by authorized San Juan County employees.

County-issued purchase cards should be used whenever possible for approved purchases. Employees are discouraged from using personal funds to pay for County expenses. Reimbursement for personal funds will be considered only for legitimate County expenses and only when a County-issued purchase card was not reasonably available, either with prior supervisor approval or in an emergency situation with documented supervisory approval obtained as soon as possible after the purchase. In all cases, written approval from the employee's Department Head is required for reimbursement.

1. Requesting a Purchase Card: Department Head must request the Purchase Card for the employee. Before a card is issued, an employee must sign the San Juan County Purchase Card Authorization Form.
  - a. Distribution of Purchase Cards should be limited to those employees who have a compelling business need. Purchase Cards should not be provided for employees and officers who have only an occasional or infrequent use. The sharing of Purchase Cards is discouraged as it further weakens oversight.
2. Responsibility for Purchase Cards:
  - a. Department Heads are ultimately accountable for use of any County-issued purchase cards assigned to their department.
3. Custody of Purchase Card:
  - a. The Purchase Card is the property of San Juan County and must be kept secure at all times.
  - b. If a Purchase Card is lost or stolen, the employee shall immediately notify the County Administrator to cancel the Purchase Card, then shall notify their Department Head.
4. Sales tax: As a government agency, San Juan County is exempt from paying Utah state sales tax on everything except hotel reservations.
  - a. When a Utah payment is made using a County-issued purchase card sales, tax shall not be included. The exemption may not apply to purchases made with vendors in other states.

- b. In circumstances where sales tax is unavoidable, the cardholder shall obtain the appropriate tax documentation and submit the required Utah State Tax forms to the County Clerk/Auditor.

5. Limits and Restrictions:

- a. Each County-issued purchase card is assigned a monthly, daily, and per-transaction limit as determined by San Juan County Administrator.
- b. A single purchase cannot be split into multiple transactions to bypass card limits.
- c. If authorized limits become insufficient to meet Department needs, an increase may be requested by the Department Head to the County Administrator
- d. If a purchase exceeds the existing limit, follow the Authorization Requirements for Purchases (Section H of the Purchasing Policy) with a Purchase Order (Exhibit B).
- e. County-issued Purchase Cards have been set up to block some transactions based on supplier's merchant category code.
  - i. If the Department Head believes a transaction should not have been declined, they can request that the category is added to the cardholder's profile by the County Administrator.
  - ii. If a transaction is declined and the Department Head believes the purchase is appropriate, the Department Head may request that the merchant category be added to the cardholder's profile. Requests must be submitted to the County Administrator or Administrative Assistant. The request must include the date and amount of the declined transaction and the applicable Merchant Category Code (MCC), if known. Requests must be made within 24 hours of the attempted purchase to ensure the declined transaction remains visible in the system queue. Best number to reach appropriate staff is (435) 587-3225
- f. Emergency Purchases
  - i. In emergency situations where pre-approval is not feasible, purchases must be documented and approved retroactively within one business day. An emergency situation is an unforeseen and time sensitive event that requires immediate action to protect life, health, safety, County property, continuity of essential services, or legal compliance, and where delaying the purchase to obtain standard approvals or use a County-issued purchase card would result in harm, significant disruption, or increased cost to the County.
  - ii. Examples of emergency situations may include, but are not limited to:
    1. Immediate purchases required during an active emergency response or incident (e.g., disaster response, evacuation, sheltering, emergency operations).
    2. Urgent replacement of critical equipment or supplies necessary to maintain essential County services when existing resources fail.
    3. Situations where a vendor cannot accept a County-issued purchase card and delay would jeopardize operations or safety.
    4. Time-critical purchases necessary to comply with legal, regulatory, or public safety requirements.
  - iii. Non-emergency situations include:
    1. Poor planning or failure to request approval in advance.
    2. Convenience purchases or routine operational needs.
    3. Purchases made to avoid purchasing thresholds or card limits.

6. Card Payments:

- a. Purchases made using a County purchase card shall be conducted in accordance with the County Purchasing Policy and all applicable procurement requirements..

7. Purchase Card Reconciliation:

- a. All Purchase Card users will submit the County's Card Reconciliation Form
  - i. Monthly,
  - ii. No later than a week after the statement is emailed to the cardholder
  - iii. With an itemized receipt for each charge.(With a whole itemized, readable receipt for the charge)
  - iv. The County-issued purchase card will be suspended first thing the business day following the due date if the Clerk/Auditor Office did not receive it before or prior to the due date.
- b. Receipt must include:
  - i. Vendor Name
  - ii. Transaction date
  - iii. Quantity purchased
  - iv. Unit cost
  - v. Description of product
  - vi. Total
- c. Purchase of food
  - i. What was the reason behind the purchase (i.e., Staff meeting, Public Hearing, training, etc.)?
  - ii. Tips should not exceed 20%
- d. If no itemized receipt is submitted, a missing receipt form, "Verification of Lost Receipt or Inadvertent Use of County Purchase Card," must be completed by the cardholder and signed by both cardholder and Department Head. Excessive use of the missing receipt form (the fourth during a calendar year) will result in loss of credit card privileges and/or reimbursement by the cardholder.

8. Unauthorized Uses:

- a. Any employee found using a County-issued purchase card for an unauthorized use may be subject to the employment disciplinary process, in accordance with the San Juan County Personnel Policy. The following as examples of unauthorized charges:
  - i. Personal, non-official expenses of any kind, and for any reason.
  - ii. Purchases considered an inappropriate use of public funds.
  - iii. Using the County-issued purchase card to get cash, gift cards, or other cash equivalents.

- iv. Professional services without a current County agreement.
  - b. Any unauthorized use may result in criminal charges.
  - c. In accordance with Utah Code 63A-3-110, use of a County-issued purchase card for personal expenditures is prohibited. If a County-issued purchase card is used for personal expenditures intentionally, the employee shall reimburse the County for the full amount of the expenditure and remit an administrative penalty equal to 50% of the expenditure, as required by state law. If a County-issued purchase card is used for personal expenditures accidentally, the employee shall reimburse the County for the full amount of the expenditure.
9. Audits/Reviews: Purchase cards, Reconciliation Forms, and itemized receipts are subject to audits and reviews by
- a. The office of the San Juan County Administrator or its agent.
  - b. The office of the San Juan County Clerk/Audit Department.



## San Juan County Purchasing Policy

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## San Juan County Purchasing Policy

### The underlying purposes of this policy are:

1. To ensure fair and equitable treatment of all persons who wish to, or do conduct business with San Juan County.
2. To provide for the greatest possible economy in the County's procurement activities.
3. To foster effective broad-based competition within the free enterprise system to ensure that the County will receive the best possible services or products at the lowest possible price and/or the most responsive price based on quality of workmanship and performance.
4. It is the intention of San Juan County to get the best value on purchases. The lowest price provider does not always constitute the best value to San Juan County. When purchasing equipment or services, considerations should include product quality, product support, service provider experience, maintenance fees, renewal fees, and end-user application of the purchase. In instances in which the low quote is not selected, the Department must provide written justification for not selecting the lowest quote and include this written justification with the purchasing record.

### Compliance – Exemptions from this policy:

5. This policy shall not prevent the County from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.
6. When procurement involves the expenditure of Federal and/or State funds the County shall comply with all applicable Federal and/or State laws and regulations.

### A. Definitions

1. **Alternate Procurement Method:** A procurement method authorized by Utah Code and this Policy other than competitive sealed bidding, including (as applicable) competitive sealed proposals, sole source procurement, emergency procurement, and other allowable methods.
2. **Best Value:** The basis for awarding a contract to an offeror that optimizes quality, cost, and efficiency among responsive and responsible offerors, based on objective and quantifiable evaluation criteria where possible.
3. **Blanket Purchase Order:** A purchase order authorizing multiple purchases and/or deliveries over a defined period of time, often used when there is a recurring need for goods and predetermined pricing.
4. **Board:** The San Juan County Board of Commissioners.
5. **Business:** Any corporation, partnership, individual, sole proprietorship, joint stock company,

joint venture, vendor, contractor, or other private legal entity.

6. **Contract:** A written document establishing legally binding obligations between the County and another party, regardless of label (e.g., “contract,” “agreement,” “memorandum,” “letter of understanding,” “grant application,” “donation form,” etc.). All County contracts shall be reviewed and approved as to form and content by the San Juan County Attorney’s Office before execution.
7. **Emergency Purchases / Emergency Expenditures:** Procurements necessary to respond to a declared or actual emergency, including circumstances where the governing body determines a natural disaster or fiscal emergency exists and expenditures are reasonably necessary to respond under **Utah Code Title 17, Chapter 63** (Uniform Fiscal Procedures Act for Counties), including emergency expenditure authority. (See **Utah Code § 17-63-404.**)
8. **Encumbrance:** A reservation of budget authority to ensure no expenditure is made unless sufficient unencumbered appropriation and available funds exist, except in cases of emergency as permitted by law. County fiscal controls and budgetary requirements are governed by **Utah Code Title 17, Chapter 63**, including encumbrance/budget controls. (See **Utah Code § 17-63-501.**)
9. **Equipment:** Tangible property (other than land and buildings) used in the operation of a department.
10. **Invoice:** A vendor billing document showing the amount due and terms of payment for supplies delivered or services rendered.
11. **Professional Services:** Services involving specialized expertise, professional judgment, and/or a high degree of creativity, where selection may be based on qualifications (including education/training, experience, demonstrated effectiveness, judgment, and integrity) and not solely on lowest price.
12. **Public Works Projects / Construction:** Works constructed for public use, protection, or enjoyment, ordinarily of a fixed nature, including buildings, roads, bridges, waterworks, paving, and repairs, involving labor and/or materials and labor.
13. **Quote:** A stated price from a vendor for goods, services, or equipment. Quotes may be obtained by phone, email, fax, mail, or printed pricing from vendor websites, provided the documentation is retained in the purchase file.
14. **Request for Proposals (RFP):** A formal competitive solicitation where offerors propose solutions and pricing to meet a defined County need, and award may be based on best value criteria.
15. **Request for Information (RFI):** A process used to collect information from vendors to help define needs, specifications, or procurement strategy. An RFI is not a request for pricing and does not result in award.
16. **Request for Quotes (RFQ – Quotes):** An informal competitive process to obtain pricing for

goods or services without formal advertising or sealed bids, generally used for small purchases and permitted procurements consistent with Utah Code and this Policy.

17. **Requisition:** A request submitted to the Purchasing Agent to initiate the purchase of goods or services.
18. **Sole Source Purchase:** A procurement method allowing purchase from a single source only when the requirement is reasonably available from only one supplier and the sole source justification is documented and approved in accordance with this Policy and Utah Code.
19. **Specifications:** A clear written description of required goods and/or services, including physical/functional characteristics, performance requirements, and other requirements necessary for evaluation and procurement.
20. **State Contract / Cooperative Contract:** A contract established by the State of Utah or another authorized public procurement unit that the County is permitted to use under Utah Code and contract terms.
21. **Vendor:** A supplier of goods or services to San Juan County.

## B. Ethics

**Purpose:** To avoid direct conflicts and the appearance of impropriety in the purchasing and procurement of goods and services for San Juan County. Questions regarding this section should be directed to the San Juan County Attorney's Office.

1. **Compliance with Ethics Law.** San Juan County elected officials, employees, and agents shall procure goods, equipment, and services in accordance with applicable federal, state, and local law, including the **Utah Public Officers' and Employees' Ethics Act (Utah Code Title 67, Chapter 16)**.
2. **Conflicts and Recusal.** County officials, employees, and agents shall recuse themselves and shall not participate in selecting, awarding, or administering a procurement when they knew or should have known that any of the following has a financial or other interest in a prospective vendor/contractor:
  - a. The official, employee, or agent;
  - b. Any member of the individual's immediate family;
  - c. The individual's partner or significant other; or
  - d. Any organization employing any of the above, or where any of the above has an arrangement concerning prospective employment, an independent contractor relationship, or similar arrangement.
3. **No Personal Benefit.** No personal benefit shall be incurred by any individual as a result of purchases made using County funds, regardless of funding source.
4. **Gifts and Gratuities.** County officials, employees, and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from vendors, potential vendors, or parties involved in any County procurement. County Personnel Policy professional conduct

standards shall be followed.

5. **Duty of Care.** County officials, employees, and agents shall exercise appropriate duty of care in procurement activities, including obtaining and reviewing adequate documentation to promote the best interests of San Juan County.
6. **No Dividing Purchases.** No purchase shall be intentionally or knowingly split, divided, phased, or otherwise arranged into two or more smaller procurements for the purpose of avoiding competition requirements, approval requirements, contract requirements, or any threshold in this Policy or Utah law. Violations may be subject to administrative and criminal penalties under applicable Utah Code, including provisions addressing dividing a procurement.
7. **Cost-Plus Percentage Prohibited.** Cost-plus-a-percentage-of-cost contracts are prohibited. Other contract types may be used when in the County's best interest, consistent with Utah Code and this Policy. A cost-reimbursement contract may be used only when a written determination is made that it is likely to be less costly than other contract types or it is impracticable to obtain the required supplies, services, or construction except under such a contract.

### C. Purchasing Agent Authority and Duties

#### AUTHORITY:

Except as otherwise provided herein, the Purchasing Agent shall serve as the principal purchasing official for San Juan County. The Purchasing Agent is authorized to enforce and review of this Policy.

#### DUTIES:

In accordance with this Policy, the Purchasing Agent or his/her designee shall:

7. Periodically review this policy and recommend changes to be approved by the San Juan County Board of Commissioners;
8. Review and confirm that goods and services are purchased in accordance with this policy;
9. Maintain all supporting documentation (e.g. requisitions, quotes, RFPs and proposals, RFIs and responses, sole source requests, notices, correspondence);
10. Open and record RFP responses and detail the history of procurement, rationale for method of procurement, selection of contract type, selection or rejection, and the basis for price;

11. Work with the respective Department Director(s) to review approval of a bid if the cost of a good or service is expected to exceed the bid limit;
12. Work with the respective Department Director(s) to determine whether it is advantageous to bid any purchase contracts less than the statutory limits;
13. Review forms for completeness and approve or deny the request, thereby converting the requisition to a purchase order;
14. Oversee the P-Card program, including issuing cards, suspending cards, and closing cards when employees terminate;
15. Determine when open vendor accounts may be necessary and in the best interest of San Juan County, and establish terms and conditions of use for such accounts (including Sam's Club, Costco, Amazon, etc....); and
16. Oversee capital equipment purchases.

#### **D. Department Directors or Supervisor's Responsibilities**

##### **DUTIES:**

It is the responsibility of the Department Directors or Supervisors to:

17. Identify the purchases to be made by his or her department in a fiscal year, thereby constituting the annual departmental budget, pursuant to this policy and the Uniform Fiscal Procedures Act for Counties (U.C.A. 1736).
18. Determine whether it is advantageous to San Juan County to bid any contract less than what is stated in this policy;
19. Be responsible for compliance with this policy and procedure by employees within the department and delegate tasks pursuant to purchasing procedures;
20. Submit annual "Conflicts Disclosure Statements" to the San Juan County Clerk/Auditor;
21. Ensure that San Juan County does not incur sales tax charges on exempt purchases by providing vendors documentation of tax exempt status, a TC721G Exemption Certificate for Governments and Schools;
22. Maintain oversight to ensure that contracted vendors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders and inform the Purchasing Agent of any material breach of such;
23. Contact the Purchasing Agent to initiate a purchase of capital items after the annual adopted budget has passed by resolution of the San Juan County Board of Commissioners;
24. Ensure expenditures are appropriately budgeted and submit Budget Amendment Form when necessary;
25. Determine the amount of a blanket purchase order and the length of time it will remain in effect (all purchase orders expire at the end of the calendar year);

26. Order from Vendors preapproved by the Purchasing Agent or submit a request to add new vendor to County Polaris system with appropriate back-up documentation including a copy of vendors insurance and a current and valid W-9); and
27. Approve or deny all designated invoices for payment, with the exception of self-reimbursement, which must be approved by another authorized individual in the department.

## E. General Provisions

1. **Purchasing Agent Designated.** ~~The Chief Administrative Officer~~ is hereby appointed and designated as the San Juan County Purchasing Agent. The Purchasing Agent may designate qualified personnel to perform all or part of the Purchasing Agent's duties under this Policy.
2. **Authority to Enter into and Execute Contracts.** All contracts shall be approved by the San Juan County Board of Commissioners unless specifically delegated by the Board or authorized by applicable law. No department, office, board, or employee is authorized to execute a contract, agreement, or purchase order except as provided in this Policy, Board action, or applicable law. Contracts executed in violation of this section may be void and may result in personal liability for persons responsible.
3. **Competitive Procurement.** Unless exempted by Utah law or this Policy, procurements shall be conducted on a competitive basis using the appropriate method (quotes, invitation for bids, request for proposals, etc.), with documentation retained in the procurement file.
4. **Use of State and Cooperative Contracts.** Pursuant to Utah procurement law, the County may purchase from state contracts or cooperative contracts (including public procurement unit agreements) where authorized, without soliciting additional procurement options, provided the purchase is within the scope and terms of the contract and is properly documented.
5. **Sales Tax Exemption.** County purchases are generally exempt from sales tax. Departments shall provide appropriate documentation to vendors when required (e.g., TC-721G).
6. **Grant/Federal/State Requirements.** When procurement involves the expenditure of grant, state, or federal funds, the County shall comply with the applicable requirements in addition to this Policy. Where requirements conflict, the more restrictive requirement shall apply.

## F. Authorization Requirements for Purchases

**General Rule:** Purchases shall be made only when budgeted and with appropriate approvals. The method of procurement and required documentation depend on (a) the total anticipated cost, (b) whether the procurement is one-time or ongoing, and (c) the type of purchase (goods, services, construction/public works).

1. **Purchases up to \$5,000**
  - o May be approved by the Department Head, provided the purchase is budgeted and within the department's authorized purpose.

- o **No quotes required** at this level, but documentation (vendor, item/service description, date, amount, and business purpose) shall be retained.
  - o This level **shall not be used** to establish or continue **ongoing services** or recurring purchases in a manner that avoids the thresholds and competition requirements in this Policy.
2. **Purchases over \$5,000 and up to \$10,000**
- o Requires a **Purchase Order** approved by the Department Director and the Purchasing Agent **before** initiating the purchase.
  - o The requisition/purchase description must clearly describe what is being purchased and why (part numbers alone are not sufficient).
  - o Requires a minimum of **two (2) competitive quotes** unless a documented exception applies or State Approved Vendor (e.g., sole source or emergency as provided in this Policy).
  - o Award shall generally be made to the lowest quote meeting specifications unless a higher-priced quote provides better value (quality, lifecycle costs, support, etc.). If not selecting the lowest quote, written justification shall be included in the purchase file.
  - o Contracts at this limit may be executed by the Purchasing Agent when a written contract is required and when delegated/authorized by the Board or applicable law.
3. **Purchases over \$10,000 and up to \$15,000**
- o Requires a **Purchase Order** approved by the Department Director and the Purchasing Agent **before** initiating the purchase.
  - o Requires a minimum of **three (3) written quotes** from three different vendors unless a documented exception applies or the Purchasing Agent grants a written waiver after showing of diligent effort.
  - o All quotes (and any waiver/exception documentation) shall be retained electronically as part of the purchasing record.
  - o **Services** in this range typically require a **County-approved written contract**. Contracts shall be executed by the Board unless delegated/authorized.
4. **Purchases over \$15,000 and up to \$50,000**
- o Requires a **written contract** and **Board approval in an open meeting**, unless delegated/authorized by the Board or applicable law.
  - o The Purchasing Agent shall determine and document the appropriate competitive method (quotes where allowed, Invitation for Bids, or RFP).
  - o **Ongoing services** in this range shall be competitively procured using an appropriate formal process with public notice as required by the solicitation method and County practice.
5. **Purchases over \$50,000**
- o Requires formal competitive procurement and **Board approval in an open meeting**, unless an exception applies (emergency/sole source) and is properly documented.
  - o Requirements by type:
    - a. **Goods/Equipment/Services over \$50,000:** RFP or Invitation for Bids as determined by the Purchasing Agent, and a County-approved contract.
    - b. **Building Improvements over \$50,000:** Formal solicitation (RFP/IFB as

appropriate) and County-approved contract.

c. **Road/Public Works Projects:** Procured using the appropriate construction/public works method as determined by the Purchasing Agent and County counsel, consistent with this Policy and applicable law, with required documentation, bonding/security where applicable, and a County-approved contract.

#### 6. **Avoidance Prohibited**

- o Purchases shall not be divided into smaller purchases to evade approval, competition, documentation, or contract requirements. See Ethics section.

#### 7. **Sole Source Procurement**

- o Sole source procurement may be used only when a requirement is reasonably available from a single supplier.
- o A requirement for a particular proprietary item does not justify sole source if more than one potential vendor can provide the item.
- o Sole source requests must be submitted in writing to the Purchasing Agent with a clear explanation of why no other source is suitable, the expected duration of the sole source determination, and sufficient documentation to support the determination.
- o In cases of reasonable doubt, competition should be solicited.

### **G. Request for Proposal, Invitation for Bids, and Related Competitive Processes**

(RFP / IFB / RFI / Quotes)

#### **1. Competitive Procurement – General**

Unless otherwise exempted by Utah law or this Policy, procurements exceeding small purchase thresholds shall be conducted using a competitive process appropriate to the type and complexity of the purchase.

The Purchasing Agent shall determine the appropriate method, including:

- Invitation for Bids (IFB) – Competitive Sealed Bidding
- Request for Proposals (RFP) – Competitive Sealed Proposals
- Request for Information (RFI) – Informational only
- Quotes (informal competition within thresholds)
- Sole Source or Emergency Procurement (when properly documented)

All competitive procurements shall be documented in the procurement file.

#### **2. Invitation for Bids (IFB) – Competitive Sealed Bidding**

##### **A. When Used**

The IFB process is used when:

- Specifications are clear and complete;
- Award can be based primarily on price; and
- Discussions are not necessary.

Competitive sealed bidding is typically required for higher-value procurements where price is the primary factor.

##### **B. Content of the Invitation for Bids**

The IFB shall include:

1. Instructions to bidders (submission deadline, location, format requirements)
2. Clear specifications or scope of work

3. Evaluation criteria (lowest responsive and responsible bidder)
4. Contract terms and conditions
5. Bonding or security requirements, if applicable
6. Requirement to acknowledge amendments

Documents may be incorporated by reference if access is clearly stated.

### **C. Public Notice**

For procurements requiring formal competitive bidding:

Public notice shall be provided in a manner reasonably designed to promote competition, which may include:

- Posting on the County website
- Posting through the Utah Public Procurement Place (U3P) or other approved electronic procurement system
- Publication in a newspaper of general or local circulation when appropriate
- Direct notification to known vendors

The Purchasing Agent shall determine the appropriate notice method based on the size and nature of the procurement.

### **D. Bidding Time**

A minimum of **10 calendar days** shall generally be provided between issuance of the IFB and bid opening unless a shorter time is justified in writing by the Purchasing Agent due to urgency or special circumstances.

### **E. Receipt and Opening of Bids**

- Bids shall be time-stamped upon receipt.
- Bids shall be securely maintained until opening.
- Bids shall be opened publicly at the time and place stated in the IFB.
- The names of bidders and bid amounts shall be read aloud or otherwise made publicly available.
- Procurement records shall be retained in accordance with County record retention requirements.

### **F. Evaluation and Award**

1. Award shall be made to the **lowest responsive and responsible bidder** meeting all material requirements of the IFB.
2. Responsibility may include:
  - Financial capability
  - Past performance
  - Compliance history
  - Ability to meet delivery or performance requirements
3. If only one bid is received, award may be made if:
  - The price is determined to be fair and reasonable; and
  - Adequate competition was reasonably solicited.
4. The Purchasing Agent shall document the basis for award in the procurement file.

### **G. Cancellation or Rejection**

The County may cancel a solicitation or reject any or all bids when in the best interest of the County. The reason shall be documented in the procurement file.

## **3. Request for Proposals (RFP) – Competitive Sealed Proposals**

### **A. When Used**

The RFP process is used when:

- Factors other than price are important;
- Technical approach, qualifications, or experience must be evaluated; or
- Discussions may be necessary.

Award shall be based on **best value**, considering all evaluation criteria stated in the RFP.

#### **B. Content of the RFP**

The RFP shall include:

1. Scope of work or project description
2. Proposal submission instructions
3. Evaluation factors and relative importance
4. Contract terms and conditions
5. Deadline and submission requirements

Only evaluation criteria stated in the RFP may be used in scoring proposals.

#### **C. Evaluation Committee**

1. The Purchasing Agent shall appoint a selection committee.
2. Committee members shall:
  - o Have relevant subject matter knowledge;
  - o Have no conflicts of interest;
  - o Independently evaluate proposals prior to group discussion.
3. Each member shall score proposals using the established evaluation criteria.
4. Scores shall be documented and retained in the procurement file.

Committee members shall not communicate with offerors outside the formal process.

#### **D. Oral Presentations (Optional)**

If oral presentations are conducted:

1. All invited offerors shall be given equal opportunity and time.
2. Oral presentations may clarify but may not materially alter the original proposal.
3. No offeror shall receive information about another offeror's proposal.

#### **E. Discussions and Best and Final Offers**

If permitted in the RFP, the County may conduct discussions with one or more offerors to clarify proposals or request best and final offers, provided:

- All offerors are treated fairly;
- No proprietary information is disclosed;
- Documentation is retained in the file.

#### **F. Award**

1. The evaluation committee shall make a recommendation to the Board of County Commissioners.
2. The Board may:
  - o Award to the highest ranked offeror;
  - o Reject all proposals; or
  - o Authorize limited negotiations consistent with the scope of the RFP.
3. A written Notice of Award shall document the basis for selection.

Contracts shall not be effective until approved and executed as required by this Policy.

### **4. Request for Information (RFI)**

An RFI may be issued to gather information about vendor capabilities, pricing structures, or industry standards prior to issuing a formal solicitation.

An RFI:

- Is not a request for pricing;
- Does not result in award;
- Does not obligate the County.

Information gathered through an RFI may be used to develop specifications or scope of work.

### **5. Sole Source Procurement**

Sole source procurement may be used only when:

- The requirement is reasonably available from only one supplier; and
- The determination is documented in writing and approved by the Purchasing Agent.

The written justification shall include:

- Description of the good/service;
- Explanation of uniqueness;
- Efforts made to identify alternative sources;
- Duration of sole source determination.

Where reasonable doubt exists, competition shall be solicited.

### **6. Emergency Procurement**

Emergency procurement may be used when immediate action is required to:

- Protect public health or safety;
- Prevent substantial property damage;
- Respond to a declared or actual emergency.

Emergency procurements shall:

- Be limited to the goods or services necessary to address the emergency;
- Be documented in writing;
- Be presented to the Board of County Commissioners as soon as practical.

### **7. Protests**

1. Protests regarding a solicitation or award must be submitted in writing to the Chief Administrative Officer within **5 business days** of the event giving rise to the protest.
2. The Chief Administrative Officer shall issue a written response within **5 business days**.
3. The decision may be appealed in writing to the Board of County Commissioners within **5 business days** of the response.
4. The Board's decision shall be final.

### **8. Documentation and Record Retention**

All competitive procurement files shall include:

- Solicitation documents
- Amendments
- Notices
- Bids or proposals received
- Evaluation materials
- Award documentation
- Contract and approvals

Procurement records shall be retained in accordance with County record retention schedules and applicable law.

## **J. Public Works and Construction Procurement**

## 1. Purpose

This section governs the procurement of public works and construction projects, including building improvements, road projects, infrastructure repairs, and other fixed public improvements. Construction procurement shall comply with this Policy, applicable provisions of the Utah Procurement Code (Title 63G-6a), and applicable fiscal controls under Title 17, Chapter 63.

## 2. Applicability

This section applies to:

- Building construction or renovation
- Road construction and paving
- Public infrastructure improvements
- Major repairs or capital improvements
- Projects involving labor and materials

## 3. Procurement Method

The Purchasing Agent, in consultation with the requesting department and County Attorney, shall determine the appropriate procurement method based on:

- Project complexity
- Estimated cost
- Risk allocation
- Timeline
- Market conditions

Methods may include:

- Invitation for Bids (IFB) – traditional low bid
- Request for Proposals (RFP) – when qualifications/technical approach matter
- Multi-step sealed bidding
- Approved cooperative/state contracts (if legally permissible)

## 4. Thresholds and Competition Requirements

### A. Projects \$15,000 and Below

- Minimum quote requirements as outlined in Section H.
- Documentation retained in procurement file.

### B. Projects \$15,000 – \$50,000

- Written contract required.
- Board approval in an open meeting.
- Competitive process required (formal quotes or IFB/RFP as determined by Purchasing Agent).

### C. Projects Over \$50,000

- Formal competitive procurement required (IFB or RFP).

- Public notice required.
- Written contract required.
- Board approval in open meeting.

### **5. Bonding and Security**

The Purchasing Agent may require:

- Bid security
- Performance bonds
- Payment bonds

Bonding requirements shall:

- Be stated in the solicitation;
- Be proportional to project risk;
- Not be used as a substitute for determining contractor responsibility.

### **6. Change Orders**

1. Change orders must:
  - Be in writing;
  - Clearly describe scope change and cost/time impact;
  - Be signed by authorized County officials.
2. Change orders that materially alter:
  - The scope of work; or
  - The total contract amount beyond approved authority

Shall require Board approval.

3. All change orders shall be retained in the contract file.

### **7. Contractor Responsibility**

Prior to award, the County may evaluate:

- Contractor licensing
- Financial stability
- Insurance coverage
- Past performance
- Safety record
- Compliance history

The County may reject a contractor deemed non-responsible.

### **8. Emergency Construction**

Emergency construction work necessary to protect life, safety, or property may be authorized consistent with emergency procurement provisions in this Policy.

Emergency construction expenditures shall:

- Be limited to immediate needs;
- Be documented;
- Be reported to the Board as soon as practical.

### **9. Retainage and Final Payment**

Where appropriate, the County may:

- Withhold retainage;
- Require final inspection;
- Require lien releases;
- Require certification of payment to subcontractors.

Final payment shall not be issued until contractual requirements are satisfied.

**San Juan County Procurement Authority Matrix**

<b>Estimated Total Procurement Amount</b>	<b>Competition Required</b>	<b>Contract Required</b>	<b>Board Approval Required</b>	<b>Notes</b>
\$0 – \$5,000	None required	No	No	Must be budgeted; documentation required
\$5,001 – \$10,000	Minimum 2 quotes	PO required	No	Not for ongoing services
\$10,001 – \$15,000	Minimum 3 written quotes	Yes (services)	Possibly (if contract delegated otherwise Purchasing Agent)	Written justification required if not lowest
\$15,001 – \$50,000	Competitive process (quotes or formal solicitation)	Yes	Yes (open meeting)	Ongoing services require formal competition
Over \$50,000 (Goods/Services)	Formal IFB or RFP	Yes	Yes	Public notice required
Construction \$15k–\$50k	Competitive process	Yes	Yes	See Public Works Section
Construction Over \$50k	Formal IFB or RFP	Yes	Yes	Bonding may be required
Sole Source (Any Amount)	Justification required	Yes	Yes (if over Board threshold)	Must be documented
Emergency Procurement	Competition may be waived	Yes	Ratification as soon as practical	Must be documented