



MEMORANDUM:

Date: November 7, 2018

To: Council Members

From: Kayli Hudson

Re: Recommendation to reappoint members to the Summit County Mosquito Abatement District

Advice and consent of Francis Town's recommendation to reappoint Greg Averett to the Summit County Mosquito Abatement District. Greg's term to expire December 31, 2021.

Advice and consent of Kamas City's recommendation to reappoint Kevan Todd to the Summit County Mosquito Abatement District. Kevan's term to expire December 31, 2021.

**Summit County Mosquito Abatement District
4 year terms – expiring December 31st**

NAME	ORGANIZATION and AREA	EMAIL	ADDRESS	PHONE	TERM EXPIRES	1 st appointed
Nathan Brooks	Appointed by Council	nbrooks@summitcounty.org	490 East Border Station Road Coalville, Utah 84017	435-659-9568	2019	03/14/12
Sue Pollard	Appointed by Council	utahpollards@earthlink.net	6300 Sagewood Dr Suite H 206 Park City, UT 84098	435-659-9111	2019	03/14/12
Gaylen Pace	Appointed by Council	gaylenpace@gmail.com	3680 E. S.R. 35 Woodland, UT 84036	H: 4357832583 C: 4356718540	2019	02/17/16
Blake Fannesbeck	Appointed by Park City Council	blake.fannesbeck@parkcity.org	P.O. Box 1480 Park City, UT 84060	435-615-5311	2020	01/23/13
Roger Crittenden	Appointed by Coalville City	rrcrit@hotmail.com	185 Settlers Drive Coalville, Utah 84017	435-336-2016 435-640-4311	2020	
Jason Richins	Appointed by Henefer City	jsrichins@allwest.net	PO Box 145 Henefer, Utah 84033	435-336-5530	2018	
Greg Averett	Appointed by Francis Town	greg@probstelectric.com	PO Box 1203 Francis, Utah 84036	435-783-6492 801-710-1991	2017	
Kevan Todd	Appointed by Kamas City	ktoddcon72@gmail.com	170 S 300 E Kamas, Utah 84036	435-783-4887	2017	
Gary Siddoway	Appointed by Kamas City	kamash20@allwest.net	200 N 400 E Kamas, Utah 84036	435-783-5518	2018	
DelRay Hatch, President	Appointed by Oakley City	Patsy.hatch@hotmail.com	PO Box 72 Oakley, Utah 84055	435-783-5218	2020	
Bryan Stephens General Manager		summitmad@allwest.net	1735 S Hoytsville Road Coalville, Utah 84017	435-336-2088 801-663-4080		

Last updated 01/24/17

Chapter 8

SUMMIT COUNTY MOSQUITO ABATEMENT DISTRICT

2-8-1: PURPOSE:

To take all necessary and proper steps for the extermination of mosquitoes, flies, crickets, grasshoppers, and other insects and for the abatement as nuisances of all stagnant pools of water and other breeding places contributing to the same either within the district or outside of the district if the lands inside of the district are benefited thereby. (Ord. 772, 5-30-2012)

2-8-2: DISTRICT BOUNDARIES:

The district boundary includes all lands within Summit County, excluding the Colony Development. (Ord. 772, 5-30-2012)

2-8-3: DEFINITIONS:

BOARD: The Summit County mosquito abatement district board of trustees.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The legislative body of Summit County.

COUNTY MANAGER: The chief executive officer of Summit County.

DISTRICT: The Summit County mosquito abatement district. (Ord. 772, 5-30-2012)

2-8-4: ESTABLISHMENT OF BOARD:

There is hereby established a board of trustees known as "the Summit County mosquito abatement district board of trustees", which shall be a board whose members are appointed by the county and its municipalities as prescribed herein. The county and its municipalities hereby retain the authority to remove any or all board members with or without cause at their unfettered discretion.

- A. The board will be comprised of eleven (11) persons. Three (3) members shall be appointed by the county council from the unincorporated county, two (2) members shall be appointed by the Park City council, two (2) members shall be appointed by the Kamas City council, and one member

each shall be appointed by the legislative bodies of Coalville City, Henefer City, Francis Town, and Oakley City.

- B. Compensation of the board members shall be set, from time to time, by resolution of the county council.
- C. The term of office for each board member shall be four (4) years with the first officers serving staggered terms of two (2), three (3), or four (4) years. In the event a member is unable to complete a term on the board, the county council or the respective legislative body of the municipality shall appoint an individual to complete the unexpired term.
- D. The board shall elect a president and vice president from members of the board.
- E. The board shall meet at least twice each year and conduct business in compliance with the Utah open meetings act, including public notification of meeting places, times and agenda items.
- F. Written minutes of each board meeting shall be prepared, preserved, and made available for public inspection.
- G. Each board member shall be responsible for attending all scheduled meetings of the board. Should circumstances arise where a member is unable to attend a scheduled meeting, the member shall be responsible for notifying the chair or his/her designee, as soon as possible. Members who fail to attend three (3) regular meetings of the board within any consecutive three (3) month period may, at the discretion of the county council, be removed from the board.
- H. The attendance of six (6) or more members of the board shall constitute a quorum. All official acts of the board shall be by majority vote of those then present. (Ord. 772, 5-30-2012)

2-8-5: POWERS AND DUTIES OF BOARD:

The board shall have all of the powers and duties specified in Utah Code Annotated sections 17B-1-101 et seq., and 17B-2a-701 et seq., excluding 17B-1-1002(1)(g), which includes the following authority and duties:

- A. To take all necessary and proper steps for the extermination of mosquitoes, flies, crickets, grasshoppers, and other insects within the district and to abate as nuisances all stagnant pools of

water and other breeding places for mosquitoes, flies, crickets, grasshoppers, or other insects anywhere in the county so that mosquitoes therefrom may not migrate into the district.

- B. To enter upon territory referred to in subsection A of this section to inspect and examine the same, and remove therefrom without notice stagnant water or other breeding places for mosquitoes, flies, crickets, grasshoppers, or other insects.
- C. To purchase such supplies and materials and employ labor necessary or proper in furtherance of the purpose of this section, and if necessary or proper, build, construct, repair, and maintain necessary levees, cuts, canals, or channels upon any land within the district, and acquire by purchase, condemnation, or other lawful means in the name of the district any necessary lands, rights of way, easements, property, or materials requisite or necessary for any such purposes.
- D. To make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of its powers or arising out of the use, taking or damage of property for any such purposes and generally to do any and all things necessary or incident to its powers and to carry out the purposes of this section.
- E. To appoint a general manager and provide for compensation of same. The general manager shall serve at the pleasure of the board.
- F. To convene meetings in accordance with the Utah open and public meetings act and conduct such business as is necessary to fulfill the duties of the board. (Ord. 772, 5-30-2012)

2-8-6: TAXATION:

The county council retains the sole authority to levy a tax within the district, in accordance with Utah Code Annotated section 17B-1-1002(1)(g). In the event that the county council desires to levy a tax in excess of the amount provided for in Utah Code Annotated section 17B-1-1002(1)(g), an election of the residents of the district shall occur in accordance with Utah Code Annotated section 17B-2a-705. (Ord. 772, 5-30-2012)

2-8-7: BUDGET POLICY:

It shall be the duty of the board and its general manager to prepare an annual budget for the district which will conform to the uniform fiscal procedures act for special districts. (Ord. 772, 5-30-2012)

2-8-8: BYLAWS:

The board shall conduct its business according to the bylaws adopted by the board, with board meetings as needed to act on the business of the district. The bylaws may be amended from time to time by the board. (Ord. 772, 5-30-2012)

2-8-9: INDEMNIFICATION:

- A. The district shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the fact that he or she is or was the general manager, a trustee, director, officer, employee, or agent of the district. The indemnification shall be for all expenses (including attorney fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in or not opposed to the best interests of the district, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.
- B. Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this section may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the general manager, trustee, director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of the general manager, a trustee, director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is not entitled to be indemnified by the district as authorized in this section.
- C. The district shall also indemnify the general manager, any trustee, director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorney fees, actually and reasonably incurred, without the necessity of an independent determination that the general manager, a trustee, director, officer, employee, or agent met any appropriate standard of conduct.
- D. The indemnification provided for in this section shall continue as to any person who has ceased to be the general manager, a trustee, director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person. (Ord. 772, 5-30-2012)

2-8-10: INSURANCE:

The district shall have power to purchase and maintain insurance on behalf of any person who is the general manager, a trustee, director, officer, employee, or agent of the district against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the district would have authority to indemnify him or her against the liability under the provisions of this chapter, or under law. (Ord. 772, 5-30-2012)

2-8-11: POWERS AND DUTIES OF GENERAL MANAGER:

The board hereby delegates to a general manager the following powers, authorities, and duties:

- A. To govern the day to day operations of the district.

- B. To prepare, in cooperation with the board, an annual budget for the district in accordance with section [2-8-7](#) of this chapter.

- C. To provide a recommendation to the board as to the manner and method of administering the mosquito abatement program in the county, including the employment of appropriate personnel, contracts for services, the purchase or lease of land, the purchase, lease or construction of improvements, facilities, systems, equipment, and supplies.

- D. To provide a recommendation to the board as to the operation of the district including collection of revenues, disbursement of funds for expenses, custody of funds and such other usual and necessary legal authority required for the operation of the district.

- E. To receive recommendations from the board as to day to day operations of the district and any such other recommendations as the board may see fit to provide to the general manager. (Ord. 772, 5-30-2012)

2-8-12: ANNUAL REPORT:

The district shall make an annual presentation to the county council of its goals, budget, and activities. (Ord. 772, 5-30-2012)