

SUMMIT COUNTY, UTAH
ORDINANCE NO. 934

**AN ORDINANCE OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH,
AMENDING TITLE 2, CHAPTER 25 TO THE SUMMIT COUNTY CODE,
NORTH SUMMIT FIRE SERVICE DISTRICT**

PREAMBLE

WHEREAS, Chapter 25 of Title 2, Summit County Code provides for the structure of the North Summit Fire Service District (“the District”) as a special service district of Summit County, Utah; and

WHEREAS, Sections 2 and 5 of Chapter 25 specify that the Summit County Council serves as the Governing Board for the District; and

WHEREAS, Sections 5 of Chapter 25, consistent with Utah Code § 17D-1-301(4)(a), explicitly reserves certain powers and duties to the County Council as the Governing Board, including the power to adopt bylaws; and

WHEREAS, Section 3 of Chapter 25 establishes the North Summit Fire Service District Administrative Control Board (“the ACB”), which governs the affairs of the District; and

WHEREAS, Section 4 of Chapter 25 dictates the membership requirements of the ACB. Pursuant to this Section, the ACB shall consist of five (5) persons appointed as follows: one member shall be appointed from the Coalville city council, one member shall be appointed from the town council of Henefer, and three (3) members shall be appointed by the county council; and

WHEREAS, the service area covered by the District is projected to experience substantial new development and growth in the coming years; and

WHEREAS, recent events have given cause to reexamine the structure of both the District as well as the ACB; and

WHEREAS, the County Council, as Governing Board for the District, is committed to ensuring that the District is able to provide reliable and effective fire suppression and quick-response medical services (pursuant to its EMR designation with the State of Utah Bureau of Emergency Services & Preparedness) within its service area; and

WHEREAS, the Council finds that this North Summit Fire Service District Amendment Ordinance (a) acknowledges new and projected growth within the District's service boundaries, (b) provides for the effective management of the District by the ACB, (c) is in the best interest of the communities covered by the District by providing for a broader range of citizen representation and input on the ACB, and (d) is in the best interest of the County and its citizens;

NOW, THEREFORE, the County Legislative Body of Summit County, State of Utah, hereby ordains as follows:

Section 1. **Amendment.** Summit County Code, Title 2, Chapter 25, North Summit Fire Service District, which is published as a code in book form, is amended and adopted in accordance with Exhibit A herein, copies of which have been filed for use and examination in the Office of the County Clerk (the "North Summit Fire Service District Amendment Ordinance").

Section 2. **Savings Clause.** In the event one or more of the provisions of this North Summit Fire Service District Amendment Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this North Summit Fire Service District Amendment Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 3. Effective Date. This North Summit Fire Service District Amendment Ordinance shall take effect upon publication by the Council in a newspaper of general circulation in Summit County, Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the County Council, this ____ day of _____, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

Evelyn Furse
Summit County Clerk

Christopher F. Robinson Chair

APPROVED AS TO FORM

Ryan P.C. Stack
Deputy County Attorney

VOTING OF COUNTY COUNCIL:

Councilmember Armstrong	_____
Councilmember Clyde	_____
Councilmember Robinson	_____
Councilmember Stevens	_____
Councilmember Wright	_____

TITLE 2

CHAPTER 25

NORTH SUMMIT FIRE SERVICE DISTRICT

2-25-4 **MEMBERSHIP:**

The membership of the administrative control board shall consist of nine (9) persons appointed in the following manner: one member shall be appointed from the Coalville city council, one member shall be appointed from the town council of Henefer, and seven (7) members shall be appointed by the county council, each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms. No employees of the district shall serve on the board.

Vacancies of the nine (9) appointed members of said board, other than by expiration of term, shall be filled by either the appropriate municipality or the county council for the unexpired term of the board member whose vacancy is filled. At the end of a board member's term, the position is considered vacant and the appropriate municipality or the county council may either reappoint the old board member or appoint a new member after following the appointment procedures under Utah law. The county council may remove a board member for cause at any time after a hearing by two-thirds (2/3) vote of the county council.

CHAPTER 25

NORTH SUMMIT FIRE SERVICE DISTRICT

SECTION:

2-25-1: Purpose

2-25-2: Definitions

2-25-3: Established

2-25-4: Membership

2-25-5: Powers And Duties

2-25-6: General Manager

2-25-1: PURPOSE:

To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of north Summit fire service district, the district is authorized to provide fire protection services through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, contract, gift or condemnation or any combination thereof. (Ord. 856, 1-13-2016)

2-25-2: DEFINITIONS:

BOARD: The administrative control board of the north Summit fire service district.

BOARD MEMBER: The members of the administrative control board of the north Summit fire service district.

COUNTY: Summit County, Utah.

COUNTY COUNCIL: The Summit County council who exercises legislative authority in the county.

DISTRICT: The north Summit fire service district.

GOVERNING BOARD: The Summit County council, otherwise referred to as the "county council".

MANAGER: The chief of the north Summit fire service district who serves as its executive officer. (Ord. 856, 1-13-2016)

2-25-3: ESTABLISHED:

There is hereby established an administrative control board known as "north Summit fire service district administrative control board", which shall govern, in accordance with state law, the affairs of the north Summit fire service district. (Ord. 856, 1-13-2016)

2-25-4: MEMBERSHIP:

The membership of the administrative control board shall consist of five (5) persons appointed in the following manner: one member shall be appointed from the Coalville city council, one member shall be appointed from the town council of Henefer, and three (3) members shall be appointed by the county council, each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms. No employees of the district shall serve on the board.

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The county council may remove a board member for cause at any time after a hearing by two-thirds ($\frac{2}{3}$) vote of the county council. (Ord. 856, 1-13-2016)

2-25-5: POWERS AND DUTIES:

A. The board shall exercise all powers and duties enumerated in Utah Code Annotated section 17D-1-103, with the following exceptions which are expressly reserved pursuant to Utah Code Annotated section 17D-1-301(4)(a) by the county council as the governing board:

1. The exercise of eminent domain ¹;
2. The power to employ one or more officers, employees, or agents, and establish their compensation, including fringe benefits, and manage a human resources or personnel system separate from the county ²;
3. The power to borrow money and incur indebtedness, including the issuance of bonds ³;

4. The power to annex areas into the district⁴ ;
5. The power to levy a tax or assessments⁵ ;
6. The power to appoint a board of equalization⁶ ;
7. The power to adopt bylaws; and
8. The power to adopt the annual budget, capital facilities plan, and any master plan.

B. The board shall prepare an annual budget for the north Summit fire service district which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district" and recommend such budget to the county council. The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget.

C. The board shall conduct its business according to bylaws, which shall be adopted by the county council, with the board meeting as needed to act on the business of the district. The bylaws may be amended from time to time by a majority vote of the county council.

D. The board shall elect a chair and vice chair.

E. For purposes of advising the county council and transacting the business of the district, the board may meet and confer, adopt recommendations and convey them to the county council verbally or in writing, make decisions regarding district matters, or it may meet with the county council.

F. 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 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. 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 subsection may be paid by the district in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of a director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the district as authorized in this subsection. The district shall also indemnify any 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 a director, officer, employee, or agent met any appropriate standard of conduct.

The indemnification provided for in this subsection shall continue as to any person who has ceased to be a director, officer, employee, or agent, and shall inure to the benefit of the heirs, executors, and administrators of that person.

G. The district shall have power to purchase and maintain insurance on behalf of any person who is a 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 section, or under law.

H. The county council, as the governing authority of the county, has control and supervisory authority over all activities of the district and may delegate such further powers and authority as provided by statute.

I. The board shall appoint a general manager for the district and shall have the power to remove said general manager. Such appointment and removal shall be subject to the consent of the county council. The general manager shall have the duties described in section 2-25-6 of this chapter and his/her appointment shall be memorialized in a written employment contract which shall be approved as to form by the county attorney.

J. The board, with the guidance of the general manager, shall recommend for county council approval policies, procedures, and regulations for the district, which are consistent with county standards. All such policies, procedures and regulations shall be on file with the county clerk.

K. The county attorney shall serve as the primary legal counsel to the district. Outside legal counsel may be retained with the approval of the county attorney. In accordance with Utah Code Annotated section 17D-1-103(3), the district shall reimburse the county a reasonable amount for the use of the county attorney's services.

L. The district shall make an annual presentation to the county council of its goals, budget and activities. (Ord. 856, 1-13-2016)

- 1 1. UCA § 17D-1-103(2)(a).
- 2 2. UCA § 17D-1-103(2)(j).
- 3 3. UCA §§ 17D-1-103(2)(m), (n); 17D-1-301(3)(d), (3)(e).
- 4 4. UCA § 17D-1-301(3)(a).
- 5 5. UCA §§ 17D-1-301(3)(c), (3)(f).
- 6 1. UCA § 17D-1-301(3)(h).

2-25-6: GENERAL MANAGER:

The governing board hereby delegates the following powers, authorities and duties to a general manager ("fire chief"), who shall oversee the district:

- A. To govern the day to day operations of the district;
- B. To prepare, in cooperation with the governing board, an annual budget for the district, which will conform to Utah Code Annotated section 17B-1-601 et seq., "fiscal procedures for local district". The budget shall demonstrate all proposed expenditures and the fees to be established and collected as revenue to the district's budget;
- C. To provide a recommendation to the board as to the operation of the district, including policies, procedures, and regulations for the district;
- D. To provide a recommendation to the board as to the establishment and collection of the fees and charges;
- E. To record and safeguard all minutes of meetings and actions of the board in accordance with the Utah open meetings act, which includes the appropriate noticing of all meetings. (Ord. 856, 1-13-2016)

2-25-4

MEMBERSHIP:

The membership of the administrative control board shall consist of nine (9) persons appointed in the following manner: one member shall be appointed from the Coalville city council, one member shall be appointed from the town council of Henefer, and seven (7) members shall be appointed by the county council, each of whom shall be a registered voter within the district. Each term shall be for four (4) years. Each board member may serve a maximum of three (3) terms. No employees of the district shall serve on the board.

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