

Ordinance 2017-04

SHORT TITLE:

An ordinance amending portions of Provo City Code regarding the Provo City Metropolitan Water District. (16-044)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

| DISTRICT | NAME | FOR | AGAINST | OTHER |
|----------|----------------|-----|---------|---------|
| CW 1 | DAVID SEWELL | ✓ | | |
| CW 2 | GEORGE STEWART | ✓ | | |
| CD 1 | GARY WINTERTON | ✓ | | |
| CD 2 | KIM SANTIAGO | | | Excused |
| CD 3 | DAVID KNECHT | ✓ | | |
| CD 4 | KAY VAN BUREN | ✓ | | |
| CD 5 | DAVID HARDING | ✓ | | |
| TOTALS | | 6 | 0 | 0 |

This ordinance was passed by the Municipal Council of Provo City, on the 7th day of February 2017, on a roll call vote as described above. Signed this 15 February 2017.

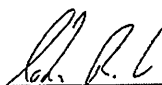


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 16 February 2017.



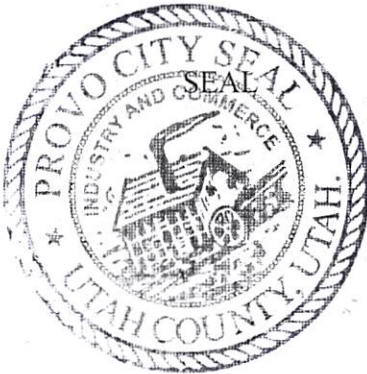
Mayor

Ordinance 2017-04

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 16th day of Feb 2017 with a short summary being published on the 11th day of February, 2017, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2017-04.



Janeen Seiss
City Recorder

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ORDINANCE 2017-04.

CONSIDERATION OF A MOTION TO RESCIND AN ACTION RELATIVE TO THE METROPOLITAN WATER DISTRICT TAKEN ON DECEMBER 6, 2016, AND AN ORDINANCE AMENDING PORTIONS OF PROVO CITY CODE REGARDING THE PROVO CITY METROPOLITAN WATER DISTRICT. (16-044)

WHEREAS, it is proposed that Provo City Code Section 2.20.040 (Appointments to the Boards of Directors of the Provo City Metropolitan Water District and the Utah Municipal Power Agency) and Chapter 2.28 (Metropolitan Water District) be amended to ensure compliance with state laws governing all local districts, and metropolitan water districts specifically;

WHEREAS, Utah Code Section 17B-1-101 et seq. (Limited Purpose Local Government Entities – Local Districts) contains provisions applicable to all local districts;

WHEREAS, Utah Code Section 17B-2a-601 et seq., the Metropolitan Water District Act, contains provisions applicable to metropolitan water districts;

WHEREAS, it is proposed that the aforementioned provisions of the Provo City Code be amended to provide that the manner of appointment, removal, and qualification of members of the board of directors of the metropolitan water district, and the district's governance, be handled in compliance with applicable state law;

WHEREAS, on February 7, 2017 the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and,

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Provo City Code Section 2.20.040 and Chapter 2.28 should be amended as set forth below; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 2.20.040 is hereby amended as follows:

2.20.040. Appointments to the Boards of Directors of the ~~Provo City Metropolitan Water District and the Utah Municipal Power Agency.~~

~~The following provisions shall apply to appointments by Provo City of persons to be members of the Board of Directors of the Provo City Metropolitan Water District and of a person to be a member of the Board of Directors of the Utah Municipal Power Agency:~~

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~~(1) The Municipal Council shall, without the approval of the Mayor, appoint new members to the Board of Directors of the Provo City Metropolitan Water District, except as otherwise required by law.~~

~~(2) The Mayor shall appoint the Provo City Director of Water Resources to serve, ex officio, as a director of the Provo City Metropolitan Water District.~~

~~(3) The Mayor shall, with the advice and consent of the Municipal Council, appoint Provo City's representative on the Board of Directors of the Utah Municipal Power Agency.~~

PART II:

Provo City Code Chapter 2.28 is hereby amended as follows:

**Chapter 2.28
Metropolitan Water District.**

2.28.010. Created - Number of Members.

There is hereby created a Metropolitan Water District, comprising the whole of Provo City, to be governed by a board of trusteesdirectors, having all the powers and duties provided by law and specifically as provided by Utah Code Sections 17B-1-101 et seq. and 17B-2a-601 et seq., as amended. The board of directors of the Metropolitan Water District shall consist of five (5) members, one of whom shall be the Director of the City's Department of Water Resources, and four (4) of whom shall be appointed by the Municipal Council. Provided, however, that all board members having unexpired terms when the number of directors is reduced from seven to five shall serve the balance of their terms. The number of members is governed by Utah Code 17B-1-302, as amended.

2.28.020. Term of Office and Removal.

The term of office for members of the board of trustees shall be as provided in Utah Code Sections 17B-1-303 and 17B-1-304, as amended. Persons appointed to serve as members of the board of trustees may be removed for cause as provided in Utah Code Section 17B-1-304, as amended.

2.28.030. Qualifications.

The appointed members of the board of directors of the metropolitan water district shall be selected without regard to political affiliations and shall be residents of or taxpayers in the metropolitan water district and shall serve without pay. The qualifications to be a member of the board of trustees are provided in Utah Code Section 17B-2a-604, as amended. Failure to meet these qualifications at any time during a member's term shall cause that member's seat on the board of trustees to immediately be vacant until filled as provided in Section 2.28.040. Each member shall immediately notify the board of trustees and the Municipal Council if the member

93 is no longer qualified.

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95 **2.28.040. Process for Appointment.**
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97 (1) As required by Utah Code Section 17B-2a-604(2), the Municipal Council shall appoint the
98 City employee designated by the Mayor as being the officer with responsibility over the
99 municipality's water supply and distribution system to serve, ex officio, as a member of the
100 board of trustees.

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102 (2) All other members of the board of trustees shall be appointed in accordance with the
103 requirements of Utah Code Section 17B-1-304, including the publication of a notice of vacancy,
104 the solicitation of applications, and the selection of members from among the qualified
105 applicants.

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107 **PART III:**

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109 A. If a provision of this ordinance conflicts with a provision of a previously adopted
110 ordinance, this ordinance shall prevail.
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112 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
113 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
114 invalid, the remainder of the ordinance shall not be affected thereby.
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116 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
117 updated to reflect the provisions enacted by this ordinance.
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119 D. This ordinance shall take effect immediately after it has been posted or published in
120 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
121 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

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123 **END OF ORDINANCE.**