

**RESOLUTION NO. 2022R-09**

**A RESOLUTION AMENDING THE NORTH DAVIS FIRE DISTRICT POLICIES; CHAPTER 2: BOARD OF TRUSTEES AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS** The Board of Trustees of the North Davis Fire District desires to amend Chapter 2 of the North Davis Fire District Policy Manual in Exhibit "A" attached hereto, providing for an effective date, and

**WHEREAS** the Board of Trustees finds that it is in the best interest of the North Davis Fire District to amend Chapter 2 of the North Davis Fire District Policy Manual as provided for in Exhibit "A".

**NOW, THEREFORE,** BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTH DAVIS FIRE DISTRICT, that the North Davis Fire District Policy Chapter 2 be amended with the additions and deletions as provided for in Exhibit "A" attached hereto and that this Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED by the Board of Trustees of the North Davis Fire District on this 20<sup>th</sup> day of October 2022.



NORTH DAVIS FIRE DISTRICT  
BOARD OF TRUSTEES

By:   
NIKE PETERSON, Chair

ATTEST:

  
MISTY ROGERS, Clerk of the Board

## **CHAPTER 2: BOARD OF TRUSTEES**

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- B. FORMULATION AND INTERPRETATION OF DISTRICT POLICY
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## **POLICY 2.1: POWERS AND DUTIES OF THE DISTRICT'S BOARD**

### **A. MEETING THE NEEDS OF THE DISTRICT**

It is the policy of the Board of Trustees to carry out those duties assigned to it by law, in such a way as best to meet the needs of the District.

### **B. FORMULATION AND INTERPRETATION OF DISTRICT POLICY**

An important activity of the Board is the formulation and interpretation of District policies. The Board shall establish policy, reserving to itself all authority and responsibility not expressly assigned to other District officers and personnel.

### **C. BOARD MEMBERS AUTHORIZED BY OFFICIAL BOARD ACTION ONLY**

No individual Board member may speak for or act on behalf of the Board or District, except as authorized to do so by official Board action as recorded in the official minutes, guidelines or policies of the District.

### **D. ETHICAL STANDARDS**

Board members and employees of the North Davis Fire District act as representatives of the citizens of the District. Therefore, Board members and employees shall adhere to the highest ethical standards in the conduct of District business, as set forth in Chapter 10 of this Manual and the A Utah Public Officers and Employees Ethics Act, ' 67-16-1 et seq., Utah Code.

### **E. BOARD MEMBER EDUCATION**

In order to carry out their duties effectively, Board members must be adequately informed. Members are encouraged to review Board meeting agenda packets thoroughly, prior to Board meetings, and to attend such conferences and other training programs as the Board may authorize.

## **POLICY 2.2: ORGANIZATION OF BOARD OF TRUSTEES**

### **SECTION ONE:                    ORGANIZATION AND AUTHORITY**

The North Davis Fire District was originally created as a Special Service District in accordance with the provisions of the Special Service District Act. The District has been reorganized and is now a Local District Service Area as defined in the Service Area Act. The District is subject to and has the power and authority to act pursuant to and in accordance with the provisions of Title 17B, Chapter 1 of the Utah Code and the provisions of the Service Area Act found in Title 17B, Chapter 2a, Part 9 of the Utah Code.

### **SECTION TWO:                    BOARD OF TRUSTEES – DUTIES AND POWERS**

The North Davis Fire District shall be governed by a Board of Trustees which shall manage and conduct the business and affairs of the District and shall determine all questions of District policies. All powers of the North Davis Fire District shall be exercised through the Board of Trustees and the Board of Trustees shall have all powers referred to in Section 17B-1-301 of the Utah Code. The Board of Trustees will work with the Fire Chief of the District to ensure that the policies of the district are being carried out.

### **SECTION THREE:                    BOARD OF TRUSTEES – NUMBER OF MEMBERS**

The Board of Trustees of the North Davis Fire District shall consist of nine (9) members.

### **SECTION FOUR:                    BOARD MEMBERSHIP APPOINTMENT**

Each City within the District shall by Resolution appoint three (3) Members to the Board of Trustees. Upon receiving the appropriate Resolution from each City, such Board members shall be sworn in as Members of the Board of Trustees. Each Member so appointed shall be at all times an elected City Council Member or Mayor of the appointing City. Five (5) of the initial Members of the Board of Trustees shall serve a term of four (4) years. Four (4) members of the initial Board of Trustees shall serve a term of two (2) years and each term thereafter shall be for a period of four (4) years so that all terms shall not expire at the same time. The Board of Trustees shall determine how the terms of office shall initially be decided.

Board Membership qualifications must be in accordance with the provisions Utah Code Annotated Title 17B. Board Members may not be employed by the District in a full or part time capacity while serving on the Board of Trustees. Should a Board Member cease to be an elected official of the City the

Member represents, the Members membership shall terminate and the represented City shall by Resolution appoint a replacement to fill the remainder of the term.

**SECTION FIVE:**                    **MEETINGS**

The Board of Trustees shall hold scheduled monthly meetings at its official meeting place in the District offices at 381 North 3150 West, West Point City, Utah, on the third Thursday of each month at the hour of 6:30 p.m. prevailing official time. In the event any such official meeting date should fall on a legal holiday; the meeting shall be held on a date determined by the Board of Trustees. In the event an emergency should arise or it should appear a quorum cannot be obtained for any such official meeting; the Chair or Vice-Chair may declare the meeting continued to a certain time or until the next official meeting date.

Work Sessions may be held by the Board of Trustees prior to the schedule monthly meetings at its official meeting place in the District offices at 381 North 3150 West, West Point City, Utah, on the third Thursday of each month at the hour of 6:00 p.m. prevailing official time. In the event any such official meeting date should fall on a legal holiday; the meeting shall be held on a date determined by the Board of Trustees. In the event an emergency should arise or it should appear a quorum cannot be obtained for any such official meeting; the Chair or Vice-Chair may declare the meeting continued to a certain time or until the next official meeting date.

Special meetings may be called by the Chair of the Board of Trustees or the Vice- Chair in the Chair's absence or by any five concurring members of the Board. The District Clerk shall post the Agenda for each meeting as required by the Open Meeting Law of the State of Utah.

**SECTION SIX:**                    **ATTENDANCE**

The Board of Trustees may adopt any Resolution not inconsistent with law providing rules pertaining to the attendance of its Members.

**SECTION SEVEN:**                **VACANCIES**

A vacancy in any Board membership position because of death, resignation, removal, disqualification or otherwise, or a new Board membership created by the Board of Trustees, may be filled for the unexpired portion of the term by a Resolution of the City Council which appointed the Board Member.

**SECTION EIGHT:            RULES – EXPULSION OF MEMBER**

The Board shall determine its own rules of proceedings, may punish its Members for disorderly conduct, and with the concurrence of two-thirds of the Members may expel a Member for cause.

**SECTION NINE:        ELECTION OF CHAIR AND VICE-CHAIR**

During the annual meeting held in even numbered years, the Board of Trustees shall by majority vote elect a Chair and a Vice-Chair. At this meeting the Board shall also appoint a Treasurer and a Secretary. The Members nominated to serve as the Chair or Vice-Chair must have served on the Board for at least two years prior to being elected. The Chair and the Vice-Chair shall each serve a two-year term and may not serve more than one term in their respective elected position.

**SECTION TEN:        DUTIES OF BOARD CHAIR**

1.        The Chair of the Board of Trustees shall be the executive officer of the Board of Trustees.
2.        The Chair shall be the presiding officer at all meetings and conduct the same. The Chair is a non-voting member except in the case of a tie-vote among the Board of Trustees.
3.        The Chair shall sign and execute all legal documents upon the advice and counsel of a majority vote of the Board of Trustees in attendance at any meeting.
4.        The Chair shall carry out and conduct the affairs of the District as Board Chair as are designated to said Chair by the Board or by the laws of the State of Utah.
5.        When required by an emergency situation, the Chair shall be vested with discretionary powers to act without the advice and consent of the Board, provided said required action is not arbitrary, discriminatory or capricious.

**SECTION ELEVEN:        DUTIES OF VICE-CHAIR OF THE BOARD**

In the absence or unavailability of the Chair, the Vice-Chair shall become Chair of the Board of Trustees *pro tempore* and shall be and is vested with all the powers inherent in the office of the Chair as set forth in the preceding Section.

**SECTION TWELVE:      OTHER OFFICERS**

Other officers may be designated and appointed by the Board of Trustees and will perform such duties and have such powers and responsibilities as may be assigned to them by the Board of Trustees.

In order to make the governance of the NDFD more effective, the Board may from time to time establish committees to study and advise the Board on a variety of issues and make recommendations on important policy matters. The committees assist the Board in examining issues that come before it in greater depth and detail. The purpose, duration and makeup of the committees shall be determined by the Board. Because committees are primarily for informational and advisory purposes, final or binding action may not be taken by committees on behalf of the Board. The nature and makeup of the respective committees may require conformance with the Utah Open and Public Meetings Act. In addition to Board created committees, outside agencies and NDFD administration may request Board participation on their committees.

Selection of committee members, participation on Board Created committees, NDFD committees or outside agency committees shall be made by the Chair with the advice and consent of the Board. Committee members may be removed by the Chair from committee assignments anytime without cause

**SECTION THIRTEEN:      DUTIES OF THE TREASURER**

The Treasurer shall be selected and appointed by the Board of Trustees with no set term. The Treasurer will supervise the financial records of the District and perform other duties specifically assigned or delegated by the Board. The Treasurer will be the custodian of the funds of the District and keep an account of all receipts and disbursements. The Treasurer shall have the following specific powers and duties which may be delegated to the District's Fire Chief and Board Clerk.

1. To keep and maintain, open to inspection at all reasonable times, adequate and correct accounts of the properties and business transactions of the District, which shall include all matters required by law and which shall be in form as required by law.
2. To have the care and custody of the funds and valuables of the District and deposit the same in the name and to the credit of the District with such depositories as the Board of Trustees may designate.
3. To maintain accurate lists and descriptions of all capital assets of the District, including land, buildings, and plants.
4. To see to the proper drafting of all checks, drafts, notes, and orders for the payment of

money as required in the business of the District, and to sign such instruments as directed by the Board of Trustees.

5. To disburse the funds of the District for proper expenses and as may be ordered by the Board of Trustees to take proper vouchers for such disbursements.

6. To render to the Chair or to the Board of Trustees whenever they may require it, an account of all transactions as Treasurer, and a financial statement in form satisfactory to them, showing the condition of the financial affairs of the District.

In addition to the foregoing, the Treasurer shall have such other powers, duties, and authority as may be prescribed by the Chair or the Board of Trustees from time to time.

#### **SECTION FOURTEEN: DUTIES OF THE CLERK**

The Clerk of the Board of Trustees shall:

1. Attend all meetings of the Board of Trustees, scheduled and special.
2. Keep adequate notes and thereafter make an adequate transcription thereof of all the affairs or business presented to the Board and acted thereon by the Board.
3. Whenever a vote on any proposition is taken by roll call, the Clerk shall call the roll, enter the name of Trustees voting and indicate the aye or nay votes on such proposition and place an announcement in the minutes of the result of such voting.
4. The Clerk shall report all revenues and expenditures to the Board of Trustees for approval.
5. The Clerk shall keep an accurate book containing the transcribed minutes of each meeting of the Board, scheduled and special. At each meeting the Clerk shall present a written copy of the minutes of the previous meeting and correct the same as directed by the Board after which the Clerk shall sign said minutes and indicate that they are the final minutes of said meeting.
6. The Clerk shall keep a book containing all the Resolutions passed and adopted by the Board and additionally shall keep such other books, files or ledgers as determined necessary to keep a complete record of the affairs of the District or as may be directed by the Board of Trustees.
7. The Clerk shall assure compliance with the Utah Open Public Meeting Laws.



**SECTION FIFTEEN:        COMPENSATION**

Compensation of Board Members shall be established by Resolution of the Board of Trustees as permitted by the Utah Code.

**SECTION SIXTEEN:        ELECTRONIC DEVICE POLICY**

The following policy is adopted with respect to electronic devices for members of the Board of Trustees:

1.     Definitions. “Electronic Devices” means and includes cell phones, iPads, laptops, notebooks, netbooks, desk top computers and all similar devices issued to a Board member by the District. Such definition includes the equipment, its component parts, all hardware, software and stored electronic memory.
  
2.     Ownership of Electronic Devices. The District shall retain sole ownership of any electronic device issued to a Board member or employee and all information on the device.
  
3.     Use of Electronic Devices. In addition to use for District business purposes a Board member may use an issued electronic device for personal purposes; however, the Board member shall not utilize the issued device for any unlawful or inappropriate purposes. A Board member or employee shall have no expectation of a right of privacy regarding any personal information available on any issued electronic device.
  
4.     Cost. The District may pay the basic cost, including monthly payment for any issued electronic device.
  
5.     Issuance of Electronic Device. Any Board member desiring issuance of an electronic device shall submit a written request to the Board Chair stating what device is requested and the reason for the request. The decision of the Chair shall be final unless overruled by a majority of Board members.
  
6.     Lost or Stolen Devices. Lost or stolen devices must be reported to the District as soon as possible. The Board member is responsible for lost or stolen or damaged devices and must replace device with personal funds unless the situation warrants another funding source, which must be approved by the Board.

**SECTION SEVENTEEN: ELECTRONIC MEETINGS –  
PARTICIPATION ELECTRONICALLY**

1. A member of the Board of Trustees may participate in meetings by all forms of appropriate electronic means in accordance with the provisions of this Section. Such participation must provide for open access to the public which, at a minimum, means that the member participating electronically must be able to hear comments from public participants in the meeting as well as other members and that public participants as well as other members must be able to hear comments from the member participating electronically.

2. If the Chair of the Board of Trustees is not physically present at the anchor meeting and is participating electronically the Vice-Chair shall preside over the meeting. In such-event the Chair may participate electronically. If neither the Chair nor Vice-Chair is physically present at the anchor meeting the Board of Trustees shall elect one of its members to act as Chair pro-tempore.

3. If a member of the Board of Trustees desires to participate in a meeting of the Board of Trustees electronically, such member must inform the Clerk not less than 24 hours prior to the meeting to allow for arrangements to be made for the electronic meeting. Public notice of the meeting shall include a description of how a member(s) will be connected to the electronic meeting.

4. Participation electronically may be engaged in under certain circumstances when it would be difficult, burdensome or onerous for the member to be physically present. In order to prevent abuse of this privilege, no individual member of the Board of Trustees may participate electronically more than two (2) times in a calendar year. Participation in a meeting under emergency conditions shall not apply to this paragraph 4.

5. Electronic Meetings: In situations involving emergencies, loss of facilities, or other unforeseen circumstances the Board of Trustees may meet electronically to conduct the necessary business of the District. In order to do so in an orderly fashion, the following procedures shall be followed:

1. Anchor Location. The North Davis Fire District Headquarters 381 N. 3150 W. West Point, Utah, is intended to be the anchor location whenever possible. If an alternative location is to be used or if multiple locations are to be used, notice of those locations will be given as early as is practical.
2. Notice. Notice of any electronic meeting will be as provided in Utah Code Sections 52-4-202 and 52-4-207. In addition, thereto, notice of the meeting will be posted at the anchor location, or locations, with additional notice going to a newspaper of general circulation and a local media correspondent. Notice of the electronic meeting will be provided to the members of the Board of Trustees at least 24 hours before the

meeting, if possible. The notice shall also contain a description on how the members of the Board of Trustees will be connected to the electronic meeting.

3. Procedures for the Meeting. To the extent possible, electronic meetings will be conducted in the same manner as scheduled meetings. To ensure full participation by all members, additional procedures and guidelines may be employed.
  - a. The presiding official shall call the meeting to order and have a roll call to establish that a quorum is present. Members participating electronically shall be included to determine if a quorum is present.
  - b. If the meeting is conducted telephonically, then a speaker phone will be connected in such a manner that comments made by the members participating electronically will be broadcast through the public address system at the anchor location. To ensure full participation each member present, and those participating electronically, will be given a specific opportunity to make inquiries and participate in the discussion through a roll call method. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote.
  - c. If a member or members are participating by email or instant messaging, the email or instant messaging shall either be projected upon a screen with a person assigned to read aloud, into the public address system, comments made, or if no projection system exists, then a person will be assigned to read said messages into the public address system. The person to do the reading will be assigned by the respective member(s) participating electronically.
  
6. When the Board convenes or conducts an electronic meeting, it shall:
  - A. Give public notice of the meeting:
    - i. in accordance with Utah Code Sections 52-4-202 and 52-4-207; and
    - ii. post written notice at the District office location;
  - B. In addition to giving public notice required by Subsection 6.A, provide:
    - i. notice of the electronic meeting to the members of the Board at least 24 hours before the meeting so that they may participate in and be counted as present; and
    - ii. a description of how the members will be connected to the electronic meeting;
  - C. Establish one or more anchor locations for the public meeting, at least one of which is the District office where the Board would normally meet if it were not

holding an electronic meeting;

- D. Provide space and facilities at the District office location so that interested persons and the public may attend and monitor the open portions of the meeting; and
- E. If comments from the public will be accepted during the electronic meeting, provide space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

7. Compliance with the provisions of Section 52-4-207 of the Utah Code, by the Board constitutes full and complete compliance by the Board with the provisions of Sections 52-4-201 and 52-4-202 of the Utah Code.

8. Participation of a member in an electronic meeting shall constitute attendance at a Board meeting.”

## **POLICY 2.3: BOARD MEMBER ORIENTATION**

### **A. ORIENTING NEW BOARD MEMBERS**

The Board and its staff shall assist each new member-elect and appointee to understand the Board's functions, policies, and procedures before he or she takes office. The following methods shall be employed:

1. New members shall be invited to attend and participate in public Board meetings. Participation in public meetings may include asking questions of the Board and giving opinions.
  1. New members should complete new board member training as instructed by the Chair.
  2. Members should meet with the Fire Chief and other District personnel to discuss the services each performs for the District. The Fire Chief shall provide material pertinent to District meetings and respond to questions regarding such material.
2. The Fire Chief shall provide an opportunity to each new Board member to review or obtain a copy of:
  - a. An updated copy of the District's Policy and Procedure Manual.
  - b. A copy of the Utah Open Meeting Law.
  - c. Copies of the minutes of all Board meetings, except for closed sessions, for the preceding twelve (12) months.
  - d. Copies of the District's current budget.
  - e. Copies of the District's insurance policies.
  - f. Copies of all such documents as the District attorney may recommend with respect to any pending claims or lawsuits.
  - g. A list of all District personnel by position.
  - h. Such other materials as the Board may direct or the Fire Chief deems appropriate.

**POLICY 2.4: REIMBURSEMENT OF BOARD MEMBER EXPENSES**

A. BOARD MEMBER COMPENSATION AND REIMBURSEMENT

Board members may be compensated as allowed by the provisions of law governing Special Districts as found in Title 17B of the Utah Code.

1. Compensation for Board Chair and Vice-Chair shall be \$5,000.00 per year to be dispersed in four quarterly payments.
2. Compensation for Board Members shall be \$4,000.00 per year to be dispersed in in four quarterly payments.