

**THE UTAH LAKE AUTHORITY
REGULARLY HELD MEETING**

November 17, 2023, at 9:00 AM-11:00 AM

PUBLIC NOTICE is hereby given that the Utah Lake Authority Board will hold a regular Board meeting on Wednesday, November 17, 2023, at 9:00 a.m., in the Provo Airport, 1331 Sky Way, Provo, UT 84601 (Airport Board room, upstairs on the south end). This meeting can also be viewed on our [live stream page. https://us06web.zoom.us/j/84190154552.](https://us06web.zoom.us/j/84190154552)

AGENDA

Presiding Board Member: Chair Julie Fullmer

Vice Chair: Michelle Kaufusi

UTAH LAKE AUTHORITY BOARD REGULAR SESSION

1. WELCOME & CALL TO ORDER/INSPIRATIONAL THOUGHT – *TBD*

2. CHAIR AND BOARD MEMBERS' REPORTS/DISCLOSURES/RECUSALS

(2- minutes each)

3. STAFF AND COMMITTEE REPORTS

- 3.1 Conservation and Restoration Efforts (5- minutes each)
- 3.2 Communications and Outreach (3- minutes each)
- 3.3 Events and Engagement (3- minutes each)
- 3.4 Access Enhancements (2-minutes)

4. CONSENT ITEMS

- 4.1 Approval of the September 20, 2023, ULA Board Meeting Minutes
- 4.2 Approve September-October Monthly ULA Budget Reports
- 4.3 Approve 2024 ULA Board Meeting Schedule Resolution

5. PRESENTATIONS/RECOGNITIONS/AWARDS

- 5.1 Jordan River Commission Membership Presentation – Soren Simonsen

6. ACTION ITEMS

- 6.1 Resolution to Appoint an Interim Executive Director
- 6.2 Review and Approve Executive Director Hiring Packet
- 6.3 Review and Approve ULA Policies and Procedures

7. CLOSED SESSION

The Utah Lake Authority Board, pursuant to Utah Code 52-4-205, may vote to go into a closed session for the purpose of (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation (d)

strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares

(e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares

(f) discussion regarding deployment of security personnel, devices, or systems; (g) the purpose of considering information that is designated as a trade secret, as defined in Section [13-24-2](#), if the public body's consideration of the information is necessary in order to properly conduct a procurement under [Title 63G, Chapter 6a, Utah Procurement Code](#);

8. PUBLIC COMMENTS (2 - minutes each) “**Public Comments**” is defined as time set aside for citizens to express their views. Each speaker is limited to two minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the ULA Board meeting. If action is necessary, the item will be listed on a future agenda; however, the Board may elect to *discuss it only* if the item is an immediate matter of concern. *If a person is unable to attend the meeting, public comments can be submitted up to 7 days before the meeting to sam@utahlake.org and the comments will be shared with the board.*

9. ADJOURNMENT

The next ULA Board meeting is scheduled for **Wednesday, January 17th, 2024**, at 9 am and will be held at the Provo Airport.

This meeting may be held in a way that will allow a Board Member to participate electronically.

The Public is invited to participate in all Utah Lake Authority Board public meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Records Officer at least 24 hours prior to the meeting by calling (801-753-8270).

I, the undersigned GRAMA Records Officer for the ULA, hereby certify that the foregoing notice and agenda were emailed to KSL News, Deseret News, Herald Extra, KUTV, Fox13 News, the Salt Lake Tribune, and the Daily Universe, posted at the ULA offices, the ULA website, the Utah Public Notice website, and delivered electronically to ULA staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: November 8th, 2023

CERTIFIED (NOTICED) BY: _____

ULA GRAMA Officer



FINANCIAL REPORT

for the month ending September 30, 2023
75% of the fiscal year remaining

			Annual Rate of Return
Zions Bank Checking account balance on:	9/29/2023	\$ 44,210.10	--
Zions Business Savings Account balance on:	9/29/2023	\$ 5,651.51	0.18%
Utah Public Treasurer's Investment Fund balance on:	9/29/2023	\$ 2,391,584.48	5.30%

Transfers to Checking:	9/12/2023	\$	100,000.00	
	9/13/2023	\$	54,000.00	
	9/20/2023	\$	52,000.00	
	9/25/2023	\$	8,000.00	
Interest Earned: Sept 2023	\$	10,036.26		
YTD Interest Earned	\$	22,197.19		

Expenses for September

Date	Vendor	Account	Description	Amount
9/3/2023	Google	2800	Office Phone Line - August	\$ 14.77
9/3/2023	Google	2800	Gmail services - August	\$ 24.00
9/3/2023	Verizon Wireless	2800	Executive Director Cell phone	\$ 75.05
9/5/2023	Olympus Insurance	5100	Annual Liability Premium	\$ 5,942.00
9/5/2023	Microsoft	2100	Microsoft 365 Subscription - Monthly	\$ 53.64
9/6/2023	Utah County Auditor	5630	September Rent	\$ 996.00
9/7/2023	Office of the Utah Attorney General	5120	Invoice#6503-2023-07	\$ 9,750.00
9/7/2023	Aquatechnex	7330	Invoice #16456	\$ 17,850.00
9/7/2023	Teamworks	1100	Wages	\$ 12,473.60
9/7/2023	Teamworks	1300	Taxes & Benefits	\$ 5,997.95
9/7/2023	Teamworks	2310	Mileage	\$ 105.72
9/7/2023	Teamworks	2800	Phone	\$ 180.00
9/8/2023	Aquatechnex	7330	Invoice#16526	\$ 43,510.00
9/12/2023	Ruby River	2500	Staff Lunch meeting	\$ 99.38
9/13/2023	BWP Communications Inc.	5110	Invoice #3447	\$ 5,967.50
9/14/2023	Aquatechnex	7330	Algae Treatments Invoice #16586	\$ 30,150.00
9/14/2023	Bed Bath & Beyond	6570	Standing / Adjustable Desk for Conservation Biologist Office	\$ 243.06
9/19/2023	Walmart	2400	paper products / board meeting drinks and snacks	\$ 57.74
9/20/2023	Einstein Bros Bagels	2500	Governing Board meeting snacks	\$ 18.49
9/20/2023	Amazon	6570	Seed Collection packets	\$ 17.15
9/20/2023	Forestry Suppliers	6570	Dibble bars for plug planting	\$ 861.11
9/21/2023	Rozajac Group LLC	5110	Transcription services	\$ 291.25
9/21/2023	Olympus Insurance	5100	Bond Insurance Premium - Invoice # 091323.01	\$ 100.00
9/21/2023	Teamworks	1100	Wages	\$ 12,473.60
9/21/2023	Teamworks	1300	Taxes & Benefits	\$ 10,743.50
9/21/2023	Teamworks	2310	Mileage	\$ 273.14
9/25/2023	North Fork Native Plants	6570	Deposit for native plugs to be grown	\$ 4,122.66
9/25/2023	Aquatechnex	7330	Invoice #16716	\$ 13,150.00
9/25/2023	Courtyard Marriott	2600	PIO Conference	\$ 202.20
9/26/2023	Meta	6545	Paid ad Scavenger Hunt	\$ 250.00
9/26/2023	Walmart	6570	Planting Supplies	\$ 9.92
9/27/2023	Utah Division of Corporations	2400	ULA Entity registration renewal	\$ 20.00
9/27/2023	Meta	6545	Paid ad Scavenger Hunt	\$ 250.00
9/27/2023	Walmart	2500	drink supplies for office	\$ 13.44
9/27/2023	Smiths	2500	Waters and drink supplies	\$ 26.70
9/28/2023	Meta	6545	Paid ad Scavenger Hunt	\$ 100.00
9/28/2023	Xpress Bill Pay	6520	Saratoga Springs Pavillion Rental - Field Trips	\$ 25.00
9/30/2023	Google	2800	September Gmail	\$ 24.00
9/30/2023	Google	2800	September Google Phone	\$ 14.76
Total:				\$ 176,477.33

General Fund Budget Report

Account #	Category	Budget	Year-to-date Transactions	Balance	% Left
1100	Employee wages	\$ 340,000.00	\$ 63,345.60	\$ 276,654.40	81%
1300	Employee benefits	\$ 170,000.00	\$ 38,722.69	\$ 131,277.31	77%
2100	Publications/Memberships	\$ 650.00	\$ 72.00	\$ 578.00	89%
2200	Public Notices	\$ 150.00	\$ -	\$ 150.00	100%
2310	Mileage	\$ 9,000.00	\$ 880.53	\$ 8,119.47	90%
2400	Office Supplies	\$ 7,000.00	\$ 948.86	\$ 6,051.14	86%
2410	Postage	\$ 100.00	\$ -	\$ 100.00	100%
2500	Food and Meals	\$ 2,400.00	\$ 476.06	\$ 1,923.94	80%
2600	Conferences and Workshops	\$ 3,400.00	\$ 624.16	\$ 2,775.84	82%
2800	Phones	\$ 5,500.00	\$ 711.51	\$ 4,788.49	87%
3100	Accounting Services	\$ 2,500.00	\$ -	\$ 2,500.00	100%

5100	Insurance	\$	7,000.00	\$	6,042.00	\$	958.00	14%
5110	Consulting Services	\$	300,000.00	\$	96,410.67	\$	203,589.33	68%
5120	Assistant AG Services	\$	246,000.00	\$	9,750.00	\$	236,250.00	96%
5630	Rent	\$	12,500.00	\$	2,988.00	\$	9,512.00	76%
6510	Utah Lake Festival and Symposium	\$	12,000.00	\$	-	\$	12,000.00	100%
6520	School Outreach	\$	7,000.00	\$	25.00	\$	6,975.00	100%
6540	Promotion	\$	20,000.00	\$	252.82	\$	19,747.18	99%
6545	Event Sponsorship	\$	10,000.00	\$	1,910.00	\$	8,090.00	81%
6560	Shoreline Restoration	\$	140,000.00	\$	417.70	\$	139,582.30	99%
6570	Lake Monitoring Program	\$	30,000.00	\$	5,704.16	\$	24,295.84	81%
6580	Small Grants Program	\$	60,000.00	\$	-	\$	60,000.00	100%
7300	Capital Projects Fund	\$	355,000.00	\$	355,000.00	\$	-	0%
Total GF Budget		\$	1,740,200.00	\$	584,281.76	\$	1,155,918.24	66%

Capital Projects Fund Report

Account #	Category	Budget	Transactions	Balance	% Left
7300	Access Improvements	\$ 750,000.00	\$ -	\$ 750,000.00	100.00%
7330	Algae Treatment	\$ 378,678.00	\$ 104,660.00	\$ 274,018.00	72.36%
7340	Wetland Conservation / Mitigation	\$ 140,000.00	\$ 5,337.76	\$ 134,662.24	96.19%
Total Budget		\$ 1,268,678.00	\$ 109,997.76	\$ 1,158,680.24	91.33%

Capital Projects Fund Statement of Cash Flow

Date	Vendor Account	Description	Amount
10/1/2022	Balance	Available for Use	\$ 913,678.00
7/1/2023	Transfer ULA GF	Budgeted transfer of GF for Capital Projects	credit \$ 355,000.00
7/11/2023	Coast Machinery	7340 Spray Boom Freight Charge	debit \$ (309.56)
7/18/2023	Tractor Supply Inc.	7340 Fencing for Phragmites field that will be grazed in Provo E	debit \$ (5,027.76)
9/7/2023	Aquatechnex	7330 Invoice 16456	debit \$ (17,850.00)
9/8/2023	Aquatechnex	7330 Invoice 16526	debit \$ (43,510.00)
9/14/2023	Aquatechnex	7330 Invoice 16586	debit \$ (30,150.00)
9/25/2023	Aquatechnex	7330 Invoice 16716	debit \$ (13,150.00)
Total Balance:			\$ 1,158,680.68



Utah Lake Authority

FINANCIAL REPORT

for the month ending October 31, 2023

66.7% of the fiscal year remaining

				Annual Rate of Return
Zions Bank Checking account balance on:	10/31/2022	\$	11,714.35	--
Zions Bank Business Savings account balance on:	10/31/2022	\$	95,791.40	0.18%
Utah Public Treasurer's Investment Fund balance on:	10/31/2022	\$	2,014,364.76	5.43%

Transfers from PTIF to Checking:	10/6/2023	\$	30,000.00
	10/11/2023	\$	35,000.00
	10/18/2023	\$	30,000.00
	10/27/2023	\$	90,000.00

Interest Earned: Oct 2023	\$	9,752.35
YTD Interest Earned	\$	31,949.54

Expenses for October

Date	Vendor	Account	Description	Amount
10/2/2023	Walmart	6520	Food / drinks field trips	\$ 83.78
10/2/2023	Amazon	2400	Power Stips, data capture, HDMI adapter cables	\$ 152.26
10/2/2023	Copy Tec	2400	Storage Unit Signs	\$ 9.07
10/2/2023	Chick-fil-a	6520	Field trip presenters	\$ 262.55
10/3/2023	Costa Vida	6520	Lunch for field trip presenters	\$ 291.02
10/3/2023	Verizon	2800	Phone Bill	\$ 75.12
10/4/2023	Amazon	2400	Power adapter for Nikon Camera, gaffes tape	\$ 79.09
10/5/2023	Teamworks	1100	Wages	\$ 12,473.60
10/5/2023	Teamworks	1300	Taxes & Benefits	\$ 6,583.63
10/5/2023	Teamworks	2310	Mileage	\$ 504.09
10/5/2023	Teamworks	2800	Phone	\$ 180.00
10/5/2023	UV Chamber of Commerce	2600	Growth & Prosperity Summit 2023	\$ 100.00
10/5/2023	Sticker Mule	6545	Stickers for symposium	\$ 94.38
10/5/2023	Best Buy	2400	mini HDMI to HDMI adapter	\$ 16.08
10/10/2023	Office of the Utah Attorney General	5120	Invoice #6503	\$ 13,488.50
10/10/2023	Aquatechnex	7330	Invoice #16733	\$ 31,510.00
10/11/2023	Amazon	6540	XLR Cables	\$ 28.01
10/12/2023	Aquatechnex	7330	Invoice	\$ 36,300.00
10/12/2023	Als Sporting Goods	6545	Prizes for scavenger hunt	\$ 633.89
10/12/2023	Walmart	6540	Gift Bags - Field Trips	\$ 9.12
10/15/2023	Copy Tec	6540	Project flyers for symposium	\$ 171.58
10/16/2023	Taste	6540	Chocolate Bars for Symposium Presenters	\$ 180.00
10/16/2023	Amazon	2400	Office door bell, business card holders	\$ 51.95
10/16/2023	Staples	6545	Markers and name tags for symposium	\$ 62.97
10/16/2023	Threaded Logo	2400	ULA Branded polo shirts	\$ 156.00
10/16/2023	Vista Print	2400	Business Cards	\$ 117.12
10/17/2023	Walmart	2400	HDMI - USB-C Dongle for Symposium presentations	\$ 17.03
10/18/2023	Utah Women Leading Government	2600	UWLG Conference	\$ 30.00
10/18/2023	Utah Women Leading Government	2100	Membership - Annual Fee	\$ 25.00
10/18/2023	Utah County Auditor	5630	October Rent	\$ 996.00
10/18/2023	Utah Women Leading Government	6570	Conference Registration	\$ 40.00
10/18/2023	Straptank	2500	Post-symposium de-brief staff lunch meeting	\$ 91.87
10/19/2023	Teamworks	1100	Wages	\$ 12,543.52
10/19/2023	Teamworks	1300	Taxes & Benefits	\$ 5,616.87
10/19/2023	Teamworks	2310	Mileage	\$ 393.99
10/23/2023	BWP Communications Inc.	5110	Branding Invoice # 3460	\$ 7,782.50
10/24/2023	UTA	6570	Farepay card reload	\$ 100.00
10/30/2023	Jacobs Engineering Group Inc.	5110	CMP Invoice #W7Y52700-09	\$ 68,292.56
10/30/2023	Aquatechnex	7330	Algae Treatment Invoice #16845	\$ 13,150.00
10/30/2023	Utah Valley University	6540	Invoices F618187 & F618222	\$ 1,996.13
10/30/2023	Carp Solutions Inc.	5110	Invoice Utah-102523 (Symposium keynote & carp management consultatic	\$ 2,722.77
10/30/2023	Chom Burger	2500	Work Lunch	\$ 28.52
10/30/2023	Amazon	2400	Pen Refills	\$ 10.61
10/31/2023	Google	2800	Office Phone line - October	\$ 14.25
			Total:	\$ 217,465.43

General Fund Budget Report

Account #	Category	Budget	Year-to-date		Balance	% Left
			Transactions			
1100	Employee wages	\$ 340,000.00	\$ 88,362.72	\$	251,637.28	74%
1300	Employee benefits	\$ 170,000.00	\$ 50,923.19	\$	119,076.81	70%

2100	Publications/Memberships	\$	650.00	\$	97.00	\$	553.00	85%
2200	Public Notices	\$	150.00	\$	-	\$	150.00	100%
2310	Mileage	\$	9,000.00	\$	1,878.61	\$	7,121.39	79%
2400	Office Supplies	\$	7,000.00	\$	1,558.07	\$	5,441.93	78%
2410	Postage	\$	100.00	\$	-	\$	100.00	100%
2500	Food and Meals	\$	2,400.00	\$	567.93	\$	1,832.07	76%
2600	Conferences and Workshops	\$	3,400.00	\$	694.16	\$	2,705.84	80%
2800	Phones	\$	5,500.00	\$	1,009.40	\$	4,490.60	82%
3100	Accounting Services	\$	2,500.00	\$	-	\$	2,500.00	100%
5100	Insurance	\$	7,000.00	\$	6,042.00	\$	958.00	14%
5110	Consulting Services	\$	300,000.00	\$	175,211.50	\$	124,788.50	42%
5120	Assistant AG Services	\$	246,000.00	\$	23,238.50	\$	222,761.50	91%
5630	Rent	\$	12,500.00	\$	3,984.00	\$	8,516.00	68%
6510	Utah Lake Festival and Symposium	\$	12,000.00	\$	-	\$	12,000.00	100%
6520	School Outreach	\$	7,000.00	\$	662.35	\$	6,337.65	91%
6540	Promotion	\$	20,000.00	\$	2,668.39	\$	17,331.61	87%
6545	Event Sponsorship	\$	10,000.00	\$	2,701.24	\$	7,298.76	73%
6560	Shoreline Restoration	\$	140,000.00	\$	417.70	\$	139,582.30	87%
6570	Lake Monitoring Program	\$	30,000.00	\$	5,704.16	\$	24,295.84	73%
6580	Small Grants Program	\$	60,000.00	\$	-	\$	60,000.00	100%
7300	Capital Projects Fund	\$	355,000.00	\$	355,000.00	\$	-	0%
Total GF Budget		\$	1,740,200.00	\$	720,720.92	\$	1,019,479.08	59%

Capital Projects Fund Report

Account #	Category	Budget	Transactions	Balance	% Left
7300	Access Improvements	\$ 750,000.00	\$ -	\$ 750,000.00	100.00%
7330	Algae Treatment	\$ 378,678.00	\$	\$ 193,058.00	50.98%
7340	Wetland Conservation / Mitigation	\$ 140,000.00	\$	\$ 134,662.24	96.19%
Total Budget		\$ 1,268,678.00	\$ 190,957.76	\$ 1,077,720.24	84.95%

Capital Projects Fund Statement of Cash Flow

10/1/2022	Balance	Available for Use	Available for use	\$	913,678.00
7/1/2023	Transfer ULA GF	Budgeted transfer of GF for Capital Projects	credit	\$	355,000.00
7/11/2023	Coast Machinery	7340 Spray Boom Freight Charge	debit	\$	(309.56)
7/18/2023	Tractor Supply Inc.	7340 Fencing for Phragmites field that will be grazed in	debit	\$	(5,027.76)
9/7/2023	Aquatechnex	7330 Invoice 16456	debit	\$	(17,850.00)
9/8/2023	Aquatechnex	7330 Invoice 16526	debit	\$	(43,510.00)
9/14/2023	Aquatechnex	7330 Invoice 16586	debit	\$	(30,150.00)
9/25/2023	Aquatechnex	7330 Invoice 16716	debit	\$	(13,150.00)
10/10/2023	Aquatechnex	7330 Invoice #16733	debit	\$	(31,510.00)
10/12/2023	Aquatechnex	7330 Invoices 16736 & 16737	debit	\$	(36,300.00)
10/30/2023	Aquatechnex	7330 Invoice 16845	debit	\$	(13,150.00)
Total Balance:				\$	1,077,720.68

RESOLUTION NO.2023-03

A RESOLUTION OF THE UTAH LAKE AUTHORITY ADOPTING THE 2024 GOVERNING BOARD PUBLIC MEETING SCHEDULE.

WHEREAS, Utah State Code 52-4-202 2(a) and (b) requires that public notice be given of the annual meeting schedule at least once a year; and

WHEREAS, the Utah Lake Authority desires to adopt the 2024 regular meeting schedule.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Utah Lake Authority; a political subdivision of the State of Utah, as follows:

2024 ULA Board Meeting Schedule:

January 17, 9:00 a.m.

March 20, 9:00 a.m.

May 15, 9:00 a.m.

July 17, 9:00 a.m.

September 18, 9:00 a.m.

November 13, 9:00 a.m.

PASSED AND ADOPTED by the Utah Lake Authority Board on this 17 day of November, 202.

ULA Chair, Julie Fullmer

UTAH LAKE AUTHORITY RESOLUTION 2023-04

A RESOLUTION OF THE UTAH LAKE AUTHORITY
APPOINTING SAM BRAEGGER AS INTERIM EXECUTIVE DIRECTOR

WHEREAS, pursuant to the Utah Lake Authority Act, Utah Code §11-65-301, the powers of the lake authority are exercised through the board, or as provided in §11-65-305, the executive director; and

WHEREAS, Utah Code §11-65-305 provides that the Executive Director is the chief executive officer of the lake authority; and

WHEREAS, Section 5.3.9 of the Bylaws of the Utah Lake Authority and the Utah Lake Authority Board (“Bylaws”), assigns to the Utah Lake Authority Board (the “Board”) the responsibility “To appoint, provide direction, fix salary of, and remove the Executive Director;” and

WHEREAS, the Executive Director has resigned and the Board is in the process of accepting applications and appointing a new Executive Director; and

WHEREAS, the process of appointing a new Executive Director will take approximately 60 days;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD as follows:

1. Sam Braegger, the Program Manager for the Utah Lake Authority is appointed as Interim Executive Director, effective on November 17, 2023 and continuing until such time as the Utah Lake Authority Board appoints an Executive Director; and
2. The Interim Executive Director shall have the power and authority on behalf of the Authority, as set forth in the Utah Lake Authority Act and the Bylaws.
3. Mr. Braegger will continue to serve as Program Manager for the Lake Authority, and will return to that position full-time following this period of serving in dual roles.
4. The Board is delegated the responsibility to establish compensation and benefits for the executive director and provide general oversight and direction.
5. During the time Mr. Braegger is serving as Interim Executive Director, his salary will be increased up to the difference between current Executive Director salary and the current salary of the Program Manager pay (Executive Director pay + Program Manager Pay)/2.
6. The Interim Executive Director’s duties include assisting in the fulfillment of the Authority’s statutory duties and objectives under the direction of the Lake Authority Board.

PASSED AND ADOPTED by the Authority Board _____.

Utah Lake Authority

Julie Fullmer, Chair

EXECUTIVE DIRECTOR HIRING PROCESS

Summary

The job posting for the Executive Director will remain open for three weeks. After the closing date, the Utah Lake Authority staff will review the applicants, rank them according to the basic job posting metrics, then send the approximately the top five candidates to the Governing Board Chair. The Chair will organize three interview panels comprising members of the Governing Board who want to participate in the hiring process.

Each of the five candidates will be interviewed by each of the interview panels. Each panel will provide their ranking to the ULA staff who will combine the rankings and send the top candidate to the Chair.

The final candidate will be presented and discussed at the next Governing Board meeting. With the Board's majority approval, the Executive Director will be appointed at that meeting.

**In the case of a tie, one member from each panel will be selected to form a separate panel to perform a final interview and provide their final recommendation.*

Job may be posted through:

- Indeed
- LinkedIn
- Social Media
- Utah Division of Workforce Services
- Government Jobs
- Headhunter service (~\$20,000)

Schedule

Saturday, November 18, 2023: Job opens

Friday, December 8, 2023: Job closes

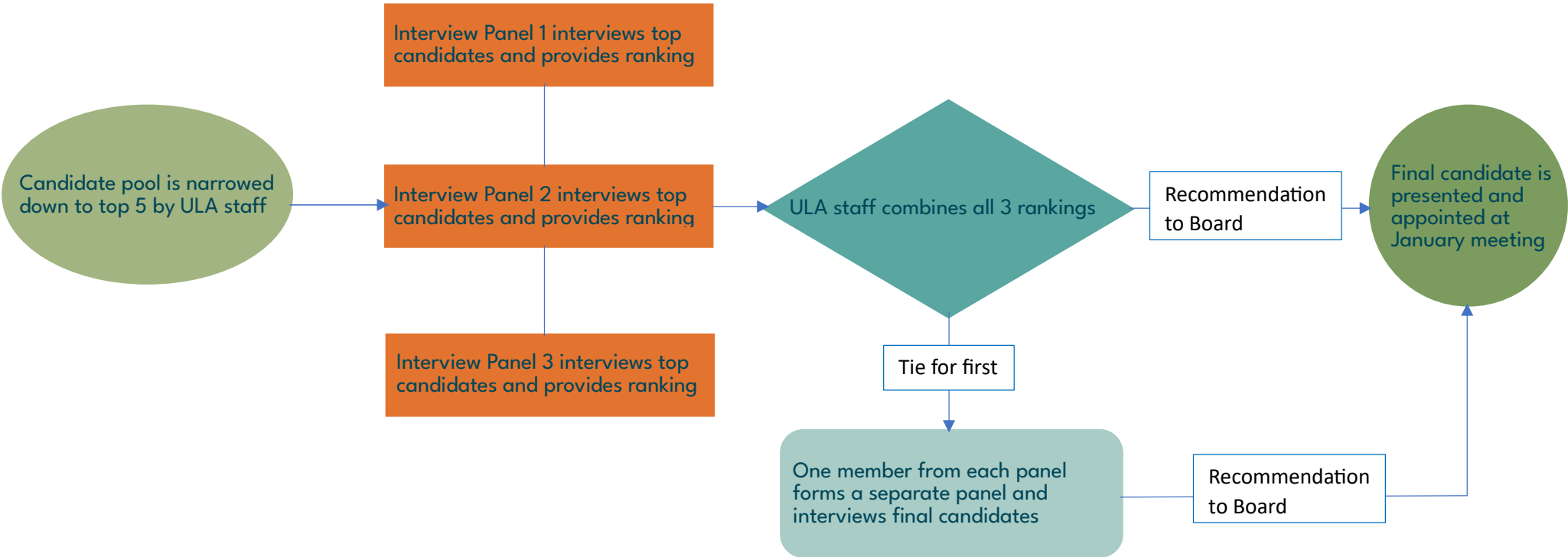
Monday, December 11, 2023: ULA staff reviews candidates

Tuesday, December 12, 2023: ULA staff sends top 5 candidates to the Chair

Monday, December 18–Friday, December 22, 2023: Interview panels interview top 5 candidates

Wednesday, January 17, 2024: Final candidate is discussed and if approved is appointed at Board meeting

Hiring Process Flowchart



BYLAWS OF THE UTAH LAKE AUTHORITY AND THE UTAH LAKE AUTHORITY BOARD

Executive Director

Section 8.3 - Purpose

The Executive Director shall act as the principal administrative officer of the Lake Authority as directed by the Board and the Chair. The Executive Director shall serve as Secretary to the Board. The Board shall establish the duties, compensation and benefits of an Executive Director.

Section 8.4 - Employment Status

The Executive Director serves at the pleasure of the Lake Authority and said employment may be terminated at will with or without cause as determined by a majority vote of the Board.

Section 8.5 - Role of the Executive Director

8.5.1 Manage and oversee the day-to-day operations of the Lake Authority.

8.5.2 Fulfill the executive and administrative duties and responsibilities of the Lake Authority.

8.5.3 Oversee the development of the Utah Lake management plan.

8.5.4 Perform all other duties assigned by the Board.

8.5.5 Shall serve as the face and public spokesperson for the Lake Authority

8.5.6 Manage and supervise all Lake Authority personnel including the hiring and retention of staff as he or she deems fit and within the parameters set forth in the annual budget approved by the Board.

Chief Financial Officer

There shall also be a chief financial officer who shall act as a public treasurer for the Board. The chief financial officer shall invest the Lake Authority funds, which are public funds, as provided in Utah Code § 51-7, the State Money Management Act, as amended. In the absence of a separate staff CFO position, the Executive Director may act as the CFO as long as fraud risk prevention measures are documented and deployed.

See attached ULA Bylaws

UTAH CODE §11-65-202(2)(a)

Executive Director

(1) (a) The director of the Utah Lake Commission shall be the initial full-time executive director of the authority.

(b) Subsection (1)(a) does not affect the status of the executive director as an at-will employee.

(2) (a) The executive director is the chief executive officer of the lake authority.

(b) The role of the executive director is to:

(i) manage and oversee the day-to-day operations of the lake authority;

(ii) fulfill the executive and administrative duties and responsibilities of the lake authority; and

(iii) perform other functions, as directed by the board.

(3) The executive director shall have the education, experience, and training necessary to perform the executive director's duties in a way that maximizes the potential for successfully achieving and implementing the strategies, policies, and objectives stated in Section 11-65-203.

(4) An executive director is an at-will employee who serves at the pleasure of the board and may be removed by the board at any time.

(5) The board shall establish the duties, compensation, and benefits of an executive director.

See attached Utah Administrative Code

COMPARABLE JOB DESCRIPTION

Great Salt Lake Commissioner

JOB DESCRIPTION

Established through HB 491 (2023 GS), the Office of the Great Salt Lake Commissioner serves to develop strategies to deal with fluctuating lake levels, encourage the health and preservation of the lake, protect wildlife and recreational facilities, maintain the lake's floodplain as a hazard zone, and promote water quality management.

The Great Salt Lake Commissioner will provide strategic leadership on behalf of the lake by coordinating efforts and ensuring all state agencies are working in a unified direction. In this effort, the commissioner is required to take a holistic vision in overseeing the health and strategic vision for the Great Salt Lake—balancing all competing interests and coordinating efforts among the various agencies, industries, and other water users to ensure all entities' needs are met.

The commissioner is authorized to coordinate with state agencies and may require state agencies to take action to comply with the strategic plan.

PRINCIPAL DUTIES:

- In accordance with Utah Code § 73-32-204, prepare a strategic plan for the long-term health of the Great Salt Lake for submission to the Governor no later than November 30, 2023 and update the strategic plan regularly
- Oversee the execution of the strategic plan, including coordinating with other state agencies
- Develop cooperative agreements between the state, political subdivisions, and agencies of the federal government
- Maintain information that measures Great Salt Lake levels, salinity, and overall health
- Produce research, documents, maps, studies, analysis, or other information that supports the strategic plan for the Great Salt Lake
- Meet regularly with the executive directors of the Department of Natural Resources and the Department of Environmental Quality
- Consult with the Division of Forestry, Fire, and State Lands regarding the management of the Great Salt Lake Watershed Enhancement Program
- Monitor the progress of the Great Salt Lake Watershed Integrated Water Assessment
- Inform the Governor, the President of the Senate, and the Speaker of the House of Representatives about the status and implementation of the strategic plan
- Report to legislative committees on the commissioner’s activities and expenditures
- Coordinate and work collaboratively with water conservancy districts that serve water users within the Great Salt Lake watershed
- Consult and coordinate, as necessary, with:
 - The Department of Natural Resources
 - The Department of Agriculture and Food
 - The Department of Environmental Quality
 - Other applicable state agencies
 - Political subdivisions of the state
 - Federal agencies
 - Elected officials
 - Local tribal officials
- Supervise supporting staff

REQUIRED SKILLS/ABILITIES:

- Experience working with governmental agencies or political subdivisions

- High-level executive or managerial experience
- Ability to analyze systems holistically and balance competing needs
- Thorough understanding of Utah’s unique water needs, systems, lake-reliant industries, and management approaches
- Outstanding time management skills and a proven ability to meet deadlines
- Great interpersonal skills with a team mindset
- Proactive and a self-starter
- Excellent verbal and written communication skills, including the ability to effectively communicate complex information and ideas

PREFERRED SKILLS/ABILITIES:

- Understanding of legislative processes
- Experience in budget management
- Experience supervising personnel—including hiring, determining workload, delegating tasks, training, and evaluating performance

MINIMUM QUALIFICATIONS:

- 5-10 years relevant experience

APPLICATION INSTRUCTIONS: Submit the following by email to mvpowell@utah.gov. Incomplete applications will not be considered.

- Cover letter
- Resume
- Two references

CURRENT ULA JOB DESCRIPTION

ULA Executive Director

JOB DESCRIPTION

The Executive Director is the chief executive officer of the Utah Lake Authority. The role of the Executive Director is to:

- Manage and oversee the day-to-day operations of the Lake Authority
- Fulfill the executive and administrative duties and responsibilities of the Lake Authority

- Perform other functions, as directed by the Board

ESSENTIAL DUTIES:

- Coordinate and direct all staff and consultant services as needed for daily operations and as may be provided by the Chair or Governing Board;
- Work with State Legislators to develop and fund major projects and access improvements for Utah Lake
- Network with local elected officials and business community to garner support for improvements to the Lake
- Facilitate, develop, and manage the implementation of major projects to improve the recreational amenities, ecosystem health and neighboring communities of the Lake.
- Perform all financial duties as required;
- Develop and present an annual report to the Lake Authority Board, Utah Legislative Executive Appropriations Committee, and others;
- Hire and manage ULA staff as needed. Oversee advancements and other employment policies and provide oversight on the work that is conducted by the staff;
- Oversee the development and create strategies for implementation of the Utah Lake Master Plan;
- The Board reviews and adopts a proposed annual budget of revenues and expenditures for the Lake Authority each fiscal year that is prepared and presented by the Executive Director;
- The Executive Director files an annual audit, made by a certified public accountant
- Craft applications and tracking for grant requests and other funding mechanisms to leverage ongoing state funding of the Authority;
- Assist the Technical Committee in recommending standards for improvement, use and development within the Utah Lake Authority Management Plan area;
- Provide recommendations to the Board regarding accomplishing the purposes as defined in the Lake's Management Plan;
- Review private development proposals and proposed agency actions;
- Direct community outreach and education efforts;
- Direct the activities of numerous committees and subcommittees;
- Respond to inquiries from the Governing Board, public, citizen groups, and business organizations;
- Oversee web and social media content, and provide support for newsletter, periodic news releases, and events;

- Attend meetings and events held by organizations that support mutual Utah Lake interests;
- Monitor and research ongoing legislation and rules; and perform all other duties assigned by the Governing Board.

EDUCATION AND EXPERIENCE: Bachelor's degree from an accredited college or university in a subject related to the work of the Commission; six (6) years of related work experience; and two (2) years of the six in a supervisory role. Related degrees may include but not be limited to public administration, planning, resource management, business administration, and land conservation. A Master's degree in Public Administration or closely-related field is preferred.

LICENSE: A valid, lawful driver's license is required at the time of appointment. Applicant may be disqualified on the basis of an unacceptable driving record as reflected by the State Department of Motor Vehicles. Applicant will also be required to show proof of insurance. Applicant must be bondable.

KNOWLEDGE, SKILLS, AND ABILITIES: Ability to maintain cooperative working relationships with those contacted in the course of work activities, a coalition builder; skill in general office management; skill in word processing, writing of detailed documents, basic accounting, and basic computer programs; knowledge of general local and state government operations, particularly procedures relating to development, resource management, land use planning and local zoning; and ability to communicate in a concise and effective manner.

SCREENING: Applicants will be screened on meeting the minimum requirements and job-related experience, skills, knowledge, and education. A successful applicant must pass a criminal background check as a condition of employment.

PHYSICAL/ENVIRONMENTAL FACTORS: This work requires regular walking, standing, stooping, occasional lifting, and carrying, pushing and pulling. Work may require exposure to adverse weather conditions including sustained periods outdoors in hot, cold, or inclement weather and prolonged sitting at a desk or computer terminal.

CONFLICTS: An individual may not serve as a voting member of the Board or as Executive Director if the individual or a family member of the individual, as those terms are defined in Utah Code Ann. §11-65-304, owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to participate in or receive a direct financial benefit from the management of Utah Lake.

BYLAWS
OF THE
UTAH LAKE AUTHORITY and UTAH LAKE AUTHORITY BOARD

ARTICLE 1 - PREFACE

Section 1.1 - Name

The name of the Utah Lake Authority in these bylaws, is provided for in Utah Code § 11-65-201, the Utah Lake Authority Act.

Section 1.2 - Origin

The Utah Lake Authority and Utah Lake Authority Board were created by H.B. 232, Utah Lake Authority Act, introduced during the 2022 General Session of the Utah Legislature and enacted as Utah Code § 11-65-101 et al.

Section 1.3 - Adoption

These bylaws are established and adopted by the Utah Lake Authority Board to define the functions, duties, responsibilities, and administrative procedures of the Utah Lake Authority and the Utah Lake Authority Board.

ARTICLE 2 – DEFINITIONS

1. “Board” means the Utah Lake Authority’s governing body.
2. “Committees” mean the Advisory Committee(s); Technical Committee(s); local government group(s); and stakeholder group(s) appointed by the Board.
3. “Lake Authority” means the Utah Lake Authority.
“Lake Authority Boundary” means the boundary defined by recorded boundary settlement agreements between upland, adjacent landowners and the Division of Forestry, Fire and State Lands.
4. “Member” means a Member of the Board.
5. “Open and Public Meetings Act” means Utah Code § 52-4-101 et seq., as amended.
6. “Quorum” means eight or more of the fifteen voting members.
7. “Utah Lake Authority Act” means Utah Code § 11-65-101 et seq., as amended.

ARTICLE 3 – LOCATION OF OFFICES

Section 3.1 - Initial Business Office

The principal office of the Lake Authority in beginning its work shall be located in Utah County, Utah, with its initial principal office located in the Historic Utah County Courthouse at

51 South University Avenue, Suite 109, Provo, Utah, leased from Utah County.

Section 3.2 - Subsequent Business Office

The Board may, at any time after the Lake Authority begins operations, change location of the main business office of the Lake Authority to other locations as determined to be appropriate for the work of the Lake Authority.

Section 3.3 - Other Offices

The Lake Authority may have multiple or such other offices as the Board may designate or as the affairs of the Lake Authority may require.

ARTICLE 4 - PURPOSES

Section 4.1 - List of Purposes

The statewide public purpose of the Lake Authority and Board is to work in concert with applicable federal, state, and local government entities, property owners, owners of water rights, private parties, and stakeholders to encourage, facilitate and implement management of Utah Lake. Management means work to coordinate and facilitate the improvement of Utah Lake, including work to enhance the long-term viability and health of Utah Lake and to produce economic, aesthetic, recreational, environmental, and other benefits for the state, consistent with the strategies, policies and objectives described in the Utah Lake Authority Act, Utah Code § 11-65-101 et seq.

The Lake Authority and its Board are the mechanisms the state chooses to focus resources and efforts on behalf of the state to ensure that the regional and statewide interests, concerns, and purposes described herein are properly addressed from a statewide perspective.

ARTICLE 5 - POWERS AND RESPONSIBILITIES

Section 5.1 – Statutory Duties

Statutory duties, policies and objectives, and jurisdiction of the Lake Authority and the Board shall be followed as outlined in the Utah Lake Authority Act, as amended.

Section 5.2 – Board Delegation of Power

5.2.1 The Board shall govern the Lake Authority and shall manage and conduct the business and affairs of the Lake Authority and determine questions of Lake Authority policy.

5.2.2 All powers of the Lake Authority are to be exercised through the Board, or as

provided by Utah Code § 11-65-305, the Executive Director of the Lake Authority.

5.2.3 The Board may by resolution delegate powers to Lake Authority staff.

5.2.4 To advise the board in performance of its duties, the Board shall appoint one or more advisory committees, one or more technical committees, one or more local government groups, and one or more stakeholder groups. The Board may appoint additional advisory committees, as it deems necessary.

Section 5.3 - Responsibilities of Board

5.3.1 To adopt and amend these by-laws for the efficient operation of the Lake Authority;

5.3.2 To propose, initiate, prepare, approve, or carry out any work program studies, policies, planning or other Lake Authority business;

5.3.3 To prepare, adopt and implement a management plan and project plans for Utah Lake prepared by the Lake Authority.

5.3.4 To prepare and evaluate policies, plans and programs, and adopt a consistent framework for consideration of actions by all public and private agencies within Utah County responsible for implementing programs;

5.3.5 To serve in a review capacity in assuring that all federal, state, local, and private development projects are consistent with adopted area wide plans and programs;

5.3.6 To apply for and receive state, federal or other grants for area wide purposes;

5.3.7 To initiate, advise, and aid in the establishment of cooperative arrangements, including interlocal agreements, among state and local governments in Utah County;

5.3.8 To render advice and technical assistance on request of Board members in regard to local government problems having impact on the development and protection of Utah Lake;

5.3.9 To appoint, provide direction, fix salary of, and remove the Executive Director;

5.3.10 To review actions of the Executive Director;

5.3.11 Review and approve payment of all legitimately contracted and necessary expenses on behalf of the Lake Authority through the Executive Director or as determined by the Board;

5.3.12 To hire and terminate consultants, and legal counsel as necessary for the needs of the Lake Authority, through authorized procedures, or delegation of authority;

5.3.13 To conduct all Lake Authority business legally authorized by law, including but not limited to the Utah Lake Authority Act and the public trust doctrine, in fulfilling the Lake Authority's purpose and responsibilities; and

5.3.14 To develop standards and criteria by which to measure the condition of Utah Lake as of 2022 and the extent to which efforts of the Lake Authority improve the condition of Utah Lake and achieve its policies and objectives.

5.3.15 To prepare an annual report explaining the degree to which efforts of the Lake Authority are improving the condition of Utah Lake and achieving the policies and objectives of the Lake Authority, pursuant to Utah Code § 11-65-306.

5.3.16 To adopt a project area plan and project area budget pursuant to the procedures outlined in Utah Code §§§§ 11-65-401, 11-65-402, 11-65-403, 11-65-405.

5.3.17 To prepare and adopt for the Lake Authority an annual budget of revenues and expenditures for each fiscal year.

5.3.18 To perform other activities as the Board may decide, consistent with the Utah Lake Authority Act and these by-laws.

ARTICLE 6 - MEMBERSHIP

Section 6.1 - Membership

The membership of the Board is outlined in the Utah Lake Authority Act, Utah Code § 11-65-302. The Board shall consist of 15 members:

6.1.1 The governor shall appoint two board members, at least one of whom shall be from the Governor's Office of Economic Opportunity.

6.1.2 The president of the Senate shall appoint as one board member an individual who holds office as a member of the Senate and whose Senate district includes an area within Utah County.

6.1.3 The speaker of the House of Representatives shall appoint one board member an individual who holds office as a member of the House of Representatives and whose House of Representatives district includes an area within Utah County.

6.1.4 The Utah County Council of Governments shall appoint eight board members:

6.1.4.1 At least one of whom shall be an individual selected from among individuals designated by chambers of commerce in Utah County, each of which

may recommend an individual for appointment.

6.1.4.2 A member appointed by the Utah County Council of Governments, except a member appointed as designated by a chamber of commerce in Utah County, shall hold an elective office in Utah County or a municipality within Utah County.

6.1.4.3 At least four of the members appointed by the Utah County Council of Governments shall be elected officials from municipalities immediately adjacent to the lake authority boundary.

6.1.4.4 The initial members appointed by the Utah County Council of Governments shall include: an individual designated by the legislative body of Lehi; an individual designated by the legislative body of Lindon; an individual designated by the legislative body of Spanish Fork; an individual who is an elected officer of the city of Provo, designated by the mayor of the city of Provo; an individual who is an elected officer of the city of Orem, designated by the legislative body of the city of Orem; an individual who is an elected officer of the city of Vineyard, designated by the legislative body of the city of Vineyard; and an individual who is an elected officer of the city of Saratoga Springs, designated by the legislative body of the city of Saratoga Springs.

6.1.5 The executive director of the Department of Natural Resources shall appoint one board member.

6.1.6 The executive director of the Department of Environmental Quality shall appoint one board member.

Section 6.2 - Designated Representatives of Board Members

Each Member may designate in writing an alternate representative who may attend and vote Board meetings when the Board Member is absent. The designation of the alternate representative (“Alternate”) is solely in the discretion of the Member and may be changed from time to time as determined by that Member. An Alternate may not act as the Chair or Vice Chair. Notice of change of designee must be given to the Executive Director in writing before the new designee has authority to vote on behalf of the Member.

Section 6.3 - Compensation, Per Diem and Status

A Board member who is not a legislator may not receive compensation or benefits for the member’s service on the Board, but may receive per diem and reimbursement for travel expenses incurred as a Board member as allowed in Utah Code §§ 63A-3-106 and 63-3-107 and rules made by the Division of Finance. Compensation and expenses of a Board member who is a legislator are governed by Utah Code § 36-2-2.

Section 6.4 – Term of Members

The term of a board member appointed under Utah Code § 11-65-302(2) is four years, except as provided in Utah Code § 11-65-303(1). A Board member may serve multiple terms if duly appointed to serve each term.

ARTICLE 7 - BOARD OFFICERS

Section 7.1 - Authorized Officers

There shall be a Chair and a Vice Chair of the Board, chosen from among the Board members who will conduct the business of the Board. In addition to Board Officers, there shall be an Executive Director who is an employee of the Lake Authority. The Executive Director shall act as Secretary to the Board.

Section 7.2 - Election of Officers

Members may nominate one or more willing Members as Chair and Vice-Chair. Members may nominate themselves for either or both Chair and Vice-Chair positions. Chair and Vice-Chair of the Board shall be elected from among the list of nominations by a majority vote of the Board via written or digital vote.

Initial elections of Chair and Vice-Chair shall be conducted at the first meeting of the Board. Those individuals shall serve until the first meeting of 2024. Thereafter, elections shall be held bi-annually at the first meeting of the calendar year (even numbered years). The Chair shall not serve successive terms. The Vice-Chair shall be eligible to serve as Chair if nominated and elected in a subsequent election. In the event that the Chair resigns, is no longer authorized to act on behalf of a Member or for other reasons is not capable of acting, the Vice-Chair will be elevated to the office of Chair and the Board shall elect a new Vice-Chair to fill the unexpired term. In the event the Vice-Chair is no longer able to act, the position shall be immediately filled by a majority vote of the Board for the remainder of the term.

Section 7.3 - Removal from Office

The Chair or Vice-Chair may be removed as Chair or Vice-Chair at any time by a majority vote of the Board whenever in the Board's judgment, the best interests of the Lake Authority will be best served. Said removal, however, shall not affect the individual's designation as a Board member.

Section 7.4 - Duties of the Chair

The Chair shall act as the official spokesperson for the Board and the alternate spokesperson for the Lake Authority in the event the Executive Director is unavailable. The Chair shall preside at and conduct all meetings of the Board. The Chair may call additional meetings of the Board and Committees. As delegated by the Board, the Chair shall have general supervision of the Executive Director. The Chair coordinates the Executive Director's annual performance evaluation and shall perform such other duties as may be assigned by the Board.

Section 7.5 - Duties of Vice-Chair

The Vice-Chair shall have all the powers and perform all the duties of the Chair when serving in the Chair's absence. The Vice-Chair shall have such other duties as may be assigned by either the Chair or the Board.

ARTICLE 8 - EXECUTIVE DIRECTOR

Section 8.1- Name

There shall be a position established within the Lake Authority to be known as the Executive Director.

Section 8.2 - Origin

The Executive Director's position is provided for in Utah Code § 11-65-305 of the Utah Lake Authority Act. The director of the Utah Lake Commission shall be the initial full-time executive director of the Lake Authority.

Section 8.3- Purpose

The Executive Director shall act as the principal administrative officer of the Lake Authority as directed by the Board and the Chair. The Executive Director shall serve as Secretary to the Board. The Board shall establish the duties, compensation and benefits of an Executive Director.

Section 8.4 - Employment Status

The Executive Director serves at the pleasure of the Lake Authority and said employment may be terminated at will with or without cause as determined by a majority vote of the Board.

Section 8.5 - Role of the Executive Director

- 8.5.1 Manage and oversee the day-to-day operations of the Lake Authority.
- 8.5.2 Fulfill the executive and administrative duties and responsibilities of the Lake Authority.
- 8.5.3. Oversee the development of the Utah Lake management plan.
- 8.5.4 Perform all other duties assigned by the Board.
- 8.5.5 Shall serve as the face and public spokesperson for the Lake Authority

8.5.6 Manage and supervise all Lake Authority personnel including the hiring and retention of staff as he or she deems fit and within the parameters set forth in the annual budget approved by the Board.

Section 8 – Chief Financial Officer

There shall also be a chief financial officer who shall act as a public treasurer for the Board. The chief financial officer shall invest the Lake Authority funds, which are public funds, as provided in Utah Code § 51-7, the State Money Management Act, as amended. In the absence of a separate staff CFO position, the Executive Director may act as the CFO as long as fraud risk prevention measures are documented and deployed.

ARTICLE 9 – STAFF

Section 9.1 - Organization

With sufficient budget and authorization of the Board, full or part-time staff positions for the Authority may be created and will report directly to the Executive Director.

Section 9.2 - Employment Status

All full and part-time staff employees hired by and working for the Lake Authority are at-will employees and shall serve at the pleasure of the Lake Authority. They may be dismissed with or without cause at any time by the Executive Director with the approval of the Board.

Section 9.3 - Temporary Employees

Within budget and authorization of the Board, the Executive Director may hire temporary employees, either for projects or limited periods of time. These employees are at-will and may be terminated by the Executive Director at any time with or without cause.

Section 9.4 - Nepotism Prohibited

As to those legally recognized familial relationships as defined in Utah Code §52-3-1 et. seq., the Lake Authority and its Board and employees are governed by this Act.

ARTICLE 10 - BOARD MEETINGS

Section 10.1 - Frequency of Board Meetings

The Executive Director shall designate a regular meeting date for the Board and publish a schedule of meetings for an upcoming year by December 1 of the year preceding. Meetings shall be at least quarterly, but may be as frequent as the Board deems appropriate. In addition to

regularly scheduled meetings as published, the Board may schedule other meetings during a year as needs dictate by giving appropriate notice as required by the Utah Open and Public Meetings Act. An emergency meeting may be called in accordance with the Open and Public Meetings Act.

Section 10.2 - Notice and Agendas for Board Meetings

10.2.1. An agenda will be provided to each designated representative and Member by e-mail, mail or other means as determined appropriate under the circumstances prior to each meeting.

10.2.2. In the absence of the Chair and Vice-Chair, the Board must elect a Chair pro tem in order to allow regular business of the Lake Authority to proceed. The Executive Director may recommend a Chair pro tem if the absence of the Chair or Vice-Chair is anticipated. The Chair pro tem will cede his responsibility to the Chair or Vice-Chair upon their arrival or upon conclusion of the meeting. The agenda will be prepared by the Executive Director or his designee for each meeting and will include items continued from prior meetings and/or new matters cleared by the Chair or the Board.

10.2.3. Board members may submit matters to the Executive Director for placement on the agenda. Members of the public may request items be added to the Board agenda by submitting a written request to a Member to be considered by the Board.

10.2.4. The agenda shall be closed one week prior to a regularly scheduled meeting so that the staff will have ample time to publish and distribute it together with any appropriate accompanying reports and materials. Agenda items may not be added or removed within 24 hours of the regularly scheduled meeting. Notice of all meetings shall be made in compliance with the Utah Open and Public Meetings Act.

10.2.5. The Chair may cancel a regularly scheduled meeting by providing notice to the Members and to the public, as soon as reasonably practicable. Notice of the meeting cancellation shall be provided pursuant to the Open and Public Meetings Act.

Section 10.3 - Location of Board Meetings

The Executive Director or the Board may determine the location of Board meetings to meet the needs of the Board. These locations may change from time to time as coordinated with the Chair. The Board may direct specific locations be used and has final say as to location.

Section 10.4 - Voting

10.4.1 Members may send representatives to meetings in order to represent their interests. When it comes to voting, only those who are officially designated in writing by the Member pursuant to Section 6.2 may vote at meetings.

10.4.2. A quorum at all meetings shall consist of a majority of members of the Board.

The action of a majority of a quorum constitutes action of the Board.

10.4.3. No Member may vote in absentia.

10.4.4. A Member may participate in any discussion in an open meeting and vote in a meeting if the Member is participating in real time electronically.

10.4.5. The Member chairing the meeting participates in all votes of the Board.

10.4.6. Roberts Rules of Order (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees except: where deemed to be unnecessary, impractical, or inefficient by the Member chairing the meeting; where Roberts Rules of Order conflicts with state law or rule; or where Roberts Rules of Order conflicts with these by-laws.

10.4.7. The Board exists to aid in conducting the people's business. Therefore, in accordance with the Open and Public Meetings Act, it is the Board's presumption that actions will be taken openly and deliberations conducted openly.

Section 10.5 - Electronic Meetings

The Board may hold electronic meetings pursuant to the Utah Open and Public Meetings Act.

ARTICLE 11 - COMMITTEES

Section 11.1 - Committees

11.1.1. The Utah Lake Authority Act provides, to advise and consult with the Board in the performance of its duties in fulfilling the purposes of the lake authority, the Board shall appoint: one or more Advisory Committees; one or more Technical Committees; one or more local government groups; and one or more stakeholder groups.

11.1.2. One of the Board appointed committees must be an advisory committee to advise on (1) water rights, water projects, and water facilities associated with Utah Lake and (2) recreation and avian and other wildlife activities on Utah Lake.

11.1.3. The Executive Director shall keep a current roster of all committees and subcommittees with those serving on the committees with contact information.

Section 11.2 - Committee Membership

Committees may include individuals from impacted public entities, community organizations, environmental organizations, business organizations or other organizations or

associations. The following guidelines shall be followed for Board appointment of members to the Committees:

11.2.1 Requests for membership on any of the Committees may originate with any of the member agencies or the Board and approved by the Board by majority vote.

11.2.2 Requests should be for Board appointment of a specific individual who will represent a government organization that is a stakeholder of Utah Lake.

11.2.3 Members of any Committee may be removed by the Board at any time by majority vote of the Board.

11.2.4 Board appointment of Committee members shall be for a two-year term. Reappointment shall be considered and voted on biannually at the first meeting of the calendar year in which the term expires.

Section 11.5 - Staff Support for Committees

The Executive Director and any Utah Lake Authority staff shall provide assistance to each committee as required by the Board.

ARTICLE 12 - COMMITTEE MEETINGS

Section 12.1 - Frequency of Committee Meetings.

The Committees shall meet as needed but not less than annually in any given calendar year. Each may meet as frequently as needed and/or as directed by the Board. No schedule of meetings need be set in advance but will be determined by each Committee as it meets to discuss the matters requiring review. Each Committee is to coordinate with the Executive Director who will notify designated members.

Section 12.2 – Quorum Not Required for Committee Meetings

Because of the nature of the Committees and the need to isolate or discuss specific matters that might require expertise in limited areas, it is not necessary for a quorum to be present to discuss matters and take input on matters for which the Committee has been constituted.

Section 12.3. – Committee Meetings

12.3.1. Committee meetings are subject to the Open and Public Meetings Act.

12.3.2. Committee meetings shall be open to the public.

12.3.3. Committees may hold electronic meetings.

12.3.4. Committees shall adhere to the information/discussion/action items listed on the committee agendas.

ARTICLE 13 - FINANCES

Section 13.1 - Annual Budget

The Board shall review and adopt a proposed annual budget of revenues and expenditures for the Lake Authority each fiscal year that is prepared and presented by the Executive Director.

An annual Lake Authority budget shall be adopted before June 22 of every year. The Lake Authority's initial budget shall be adopted as soon as reasonably practicable after the organization of the Board and the beginning of Lake Authority operations. The annual budget shall include an itemized listing of all projects, staffing, programs, research studies, and activities together with a list of all sources of funding.

Section 13.2 - Amendment of Budget

In accordance with applicable law, the Board may amend the annual Lake Authority budget by resolution of the Board. If grants or voluntary contributions are received allowing the Lake Authority to perform more functions or engage in more activities, the Board is at liberty to modify the budget to reflect said increases. The Lake Authority may not make expenditures in excess of the total expenditures established in the annual budget as the budget is adopted or amended.

Section 13.3 – Lake Authority Budget Report

Before November 30 of each year beginning in 2023, the board shall present a report to the Executive Appropriations Committee of the Legislature, as the Executive Appropriations Committee directs, that includes: (1) an accounting of how lake authority funds have been spent; (2) an update on the progress of the management and implementation of the lake authority management plan; and (3) an explanation of the lake authority's progress in achieving the policies and objectives described in Utah Code § 11-65-203.

Section 13.4 - Annual Review or Audit

The Lake Authority shall, within 180 days after the end of the fiscal year, file an audit report, pursuant to Utah Code § 11-65-605, made by a certified public accountant with the county auditor and the state auditor. The Executive Director shall employ a certified public accountant that shall have been approved by the Board for such review or audit. The review or audit report shall be made available to each of the Board members and to the general public.

Section 13.5 - Fiscal Year

The official fiscal year for the Lake Authority begins July 1st of each year and ends June 30th of the following year.

ARTICLE 14 - CONFLICT OF INTEREST

Section 14.1 - Officers and Employees Ethics Act

All individuals on the Board or on Committees established by the Utah Lake Authority Act and these By-Laws as well as all non-Board Member participants on Committees and Lake Authority employees shall conduct Lake Authority business in accordance with the provisions found in Utah Code Ann. 67-16-1 et. seq. or any other applicable state, federal, municipal, county or local ethics law, ordinance, rule or regulation.

Section 14.2 - Conflicts of Interest

If any person who is a Member, Alternate, Lake Authority employee, or is serving on any of the Committees established by the Board is aware that the Lake Authority is about to enter into any business transaction directly or indirectly with such person, any member of that person's family, or any entity in which that person has any personal legal, equitable or fiduciary interest or position, including without limitation officer, shareholder, partner, beneficiary or trustee, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Lake Authority of such person's interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within such person's knowledge that bear on the advisability of such transaction from the standpoint of the Lake Authority, and (c) not be entitled to vote on the decision to enter into such transaction.

An individual may not serve as a voting member of the Board or as Executive Director if the individual or a family member of the individual, as those terms are defined in Utah Code Ann. 11-65-304, owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to participate in or receive a direct financial benefit from the management of Utah Lake.

Before taking office as a voting Member of the Board or accepting employment as Executive Director, an individual shall submit to the Lake Authority a statement verifying that the individual's service as a Member or employment as Executive Director does not violate the above requirement(s).

A voting member or nonvoting Member of the Board or an employee of the Lake Authority may not receive a direct financial benefit from the management of Utah Lake. A direct financial benefit means any form of financial benefit that accrues to an individual directly, including compensation, commission, or any other form of a payment or increase of money and an increase in the value of a business or property. A direct financial benefit does not include a financial benefit that accrues to the public generally, expense reimbursements, per diem pay for Member service, or an employee's compensation or benefits from employment with the Lake

Authority.

ARTICLE 15 - ADOPTION AND AMENDMENT OF THESE BY-LAWS

Section 15.1 - Majority Vote for Adoption

These by-laws may be adopted by a majority vote of the Board.

Section 15.2 - Majority Vote for Amendment

These by-laws may be amended by a majority vote of the Board.

ARTICLE 16 – DISSOLUTION

The Lake Authority may not be dissolved unless the Lake Authority has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons or entities other than the state.

Upon dissolution of the Lake Authority, the Governor’s Office of Economic Opportunity shall publish a notice of dissolution as required by Utah Code § 45-1-101 and all title to property owned by the Lake Authority vests in the state.

The books, documents, records, papers, and seal of the dissolved Lake Authority shall be deposited for safekeeping and reference with the state auditor. The Lake Authority shall pay all expenses of the deactivation and dissolution.

ARTICLE 17 - SEVERABILITY

The invalidity of any provision of these by-laws shall not affect the other provisions hereof, and in such event these by-laws shall be construed in all respects as if such invalid provision were omitted.

ARTICLE 18 - CONFLICT

In the event any provision of these by-laws is in conflict or inconsistent with any provision of the Utah Lake Authority Act, Utah Code § 11-65-101 et. seq., establishing the Utah Lake Authority and Board, the Utah Lake Authority Act shall govern the Utah Lake Authority and Board.

Effective 5/4/2022

Chapter 65 Utah Lake Authority Act

Part 1 General Provisions

11-65-101 Definitions.

As used in this chapter:

- (1) "Adjacent political subdivision" means a political subdivision of the state with a boundary that abuts the lake authority boundary or includes lake authority land.
- (2) "Board" means the lake authority's governing body, created in Section 11-65-301.
- (3) "Lake authority" means the Utah Lake Authority, created in Section 11-65-201.
- (4) "Lake authority boundary" means the boundary:
 - (a) defined by recorded boundary settlement agreements between private landowners and the Division of Forestry, Fire, and State Lands; and
 - (b) that separates privately owned land from Utah Lake sovereign land.
- (5) "Lake authority land" means land on the lake side of the lake authority boundary.
- (6) "Management" means work to coordinate and facilitate the improvement of Utah Lake, including work to enhance the long-term viability and health of Utah Lake and to produce economic, aesthetic, recreational, environmental, and other benefits for the state, consistent with the strategies, policies, and objectives described in this chapter.
- (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate, encourage, and bring about the management of the lake authority land to achieve the policies and objectives described in Section 11-65-203.
- (8) "Nonvoting member" means an individual appointed as a member of the board under Subsection 11-65-302(6) who does not have the power to vote on matters of lake authority business.
- (9) "Project area" means an area that is identified in a project area plan as the area where the management described in the project area plan will occur.
- (10) "Project area budget" means a multiyear projection of annual or cumulative revenues and expenses and other fiscal matters pertaining to a project area.
- (11) "Project area plan" means a written plan that, after the plan's effective date, manages activity within a project area within the scope of a management plan.
- (12) "Public entity" means:
 - (a) the state, including each department, division, or other agency of the state; or
 - (b) a county, city, town, metro township, school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state.
- (13) "Publicly owned infrastructure and improvements":
 - (a) means infrastructure, improvements, facilities, or buildings that:
 - (i) benefit the public; and
 - (ii)
 - (A) are owned by a public entity or a utility; or
 - (B) are publicly maintained or operated by a public entity;
 - (b) includes:
 - (i) facilities, lines, or systems that provide:

- (A) water, chilled water, or steam; or
 - (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy, microgrids, or telecommunications service; and
 - (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking facilities, and public transportation facilities.
- (14) "Sovereign land" means land:
- (a) lying below the ordinary high water mark of a navigable body of water at the date of statehood; and
 - (b) owned by the state by virtue of the state's sovereignty.
- (15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not submerged under water, within the lake authority boundary.
- (16) "Voting member" means an individual appointed as a member of the board under Subsection 11-65-302(2).

Amended by Chapter 16, 2023 General Session

11-65-102 Severability.

If a court determines that any provision of this chapter, or the application of any provision of this chapter, is invalid, the remainder of this chapter shall be given effect without the invalid provision or application.

Enacted by Chapter 59, 2022 General Session

11-65-103 Nonlapsing funds.

Money the lake authority receives from legislative appropriations is nonlapsing.

Enacted by Chapter 59, 2022 General Session

**Part 2
Utah Lake Authority**

11-65-201 Creation of Utah Lake Authority -- Status and purposes.

- (1) Under the authority of Utah Constitution, Article XI, Section 8, there is created the Utah Lake Authority.
- (2) The lake authority is:
- (a) an independent, nonprofit, separate body corporate and politic, with perpetual succession;
 - (b) a political subdivision of the state; and
 - (c) a public corporation, as defined in Section 63E-1-102.
- (3)
- (a) The statewide public purpose of the lake authority is to work in concert with applicable federal, state, and local government entities, property owners, owners of water rights, private parties, and stakeholders to encourage, facilitate, and implement the management of Utah Lake.
 - (b) The duties and responsibilities of the lake authority under this chapter are beyond the scope and capacity of any local government entity, which has many other responsibilities and functions that appropriately command the attention and resources of the local government

entity, and are not functions of purely local concern but are matters of regional and statewide concern, importance, interest, and impact, due to multiple factors, including:

- (i) the importance and benefit to the region and state of a healthy, vibrant, and ecologically sound Utah Lake; and
 - (ii) the enormous potential for regional and statewide economic, aesthetic, environmental, recreational, and other benefit that can come from the management of Utah Lake.
- (c) The lake authority is the mechanism the state chooses to focus resources and efforts on behalf of the state to ensure that the regional and statewide interests, concerns, and purposes described in this Subsection (3) are properly addressed from more of a statewide perspective than any local government entity can provide.
- (4)
- (a) The lake authority supplants and replaces the Utah Lake Commission, established by interlocal agreement.
 - (b) The Utah Lake Commission shall:
 - (i) cooperate with the lake authority to transition, as soon as practicable, Utah Lake Commission functions to the lake authority, to the extent consistent with this chapter; and
 - (ii) take all necessary actions to dissolve the Utah Lake Commission no later than May 1, 2023.
 - (c) The lake authority may, by majority vote of the board, succeed to the position of the Utah Lake Commission in any contract in which the Utah Lake Commission is a party.
 - (d)
 - (i) As part of the transition from the Utah Lake Commission to the lake authority, the lake authority shall offer an employee of the Utah Lake Commission employment with the lake authority in the same or a comparable position and with the same or comparable compensation as the employee had as an employee of the Utah Lake Commission.
 - (ii) Subsection (4)(d)(i) may not be construed to affect the at-will status of an individual who becomes an employee of the lake authority.
 - (e) After the authority board is constituted, an advisory or technical committee established by the Utah Lake Commission shall continue to function under the direction of the board as a subcommittee of the lake authority until the board modifies or discontinues the subcommittee.

Enacted by Chapter 59, 2022 General Session

11-65-202 Lake authority powers and duties.

- (1)
- (a) The lake authority has land use authority over publicly owned land within the lake authority boundary.
 - (b) The lake authority shall work with other government entities with jurisdiction over sovereign land and the watershed affecting Utah Lake water to improve the quality of water flowing into and out of Utah Lake, subject to and consistent with Title 19, Environmental Quality Code, and Title 73, Water and Irrigation.
 - (c) The lake authority may make recommendations and provide advice to an adjacent political subdivision relating to issues affecting both the lake authority and the adjacent political subdivision.
 - (d) The lake authority has no jurisdictional control or power over:
 - (i) another political subdivision, except as provided in an agreement between the lake authority and the other political subdivision;
 - (ii) the regulation of water quality;
 - (iii) water rights;

- (iv) water collection, storage, or delivery;
 - (v) a project for water collection, storage, or delivery; and
 - (vi) water facilities that the lake authority does not own.
- (2) The lake authority may coordinate the efforts of all applicable state and local government entities, property owners, owners of water rights, and other private parties, and other stakeholders to:
- (a) develop and implement a management plan for Utah Lake, including:
 - (i) an environmental sustainability component, developed in conjunction with the Department of Environmental Quality and the Division of Wildlife Resources incorporating strategies and best management practices to meet applicable federal and state standards, including:
 - (A) water quality monitoring and reporting; and
 - (B) strategies that use the best available technology and practices to mitigate environmental impacts from management and uses on Utah Lake;
 - (ii) strategies that enhance the aesthetic qualities and recreational use and enjoyment of Utah Lake; and
 - (iii) strategies that enhance economic development in communities adjacent to Utah Lake;
 - (b) plan and facilitate the management of Utah Lake uses; and
 - (c) manage any land owned or leased by the lake authority that is not sovereign land.
- (3) The lake authority has primary responsibility and authority for the management of Utah Lake, subject to and in accordance with this chapter.
- (4) The lake authority may:
- (a) engage in education efforts to encourage and facilitate:
 - (i) the improvement of water and environmental quality;
 - (ii) the use of Utah Lake for recreation;
 - (iii) the improvement of economic development on Utah Lake; and
 - (iv) other management of Utah Lake consistent with the policies and objectives described in Subsection (2);
 - (b) facilitate and provide funding for the management of Utah Lake, including the development of publicly owned infrastructure and improvements and other infrastructure and improvements on or related to Utah Lake;
 - (c) engage in marketing activities and efforts to encourage and facilitate management of Utah Lake;
 - (d) as determined by the board appropriate to accomplish or further the policies and objectives described in Subsection (2):
 - (i) take all necessary actions to acquire any grants or other available funds from federal or other governmental or private entities, including providing matching funds;
 - (ii) award grants of lake authority funds; or
 - (iii) provide waivers of financial obligations to the lake authority;
 - (e) as the lake authority considers necessary or advisable to carry out any of the lake authority's duties or responsibilities under this chapter:
 - (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal property;
 - (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real property that is not sovereign land or any interest in personal property; or
 - (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;
 - (f) sue and be sued;
 - (g) enter into contracts generally;
 - (h) provide funding for the development of publicly owned infrastructure and improvements or other infrastructure and improvements on or related to Utah Lake;

- (i) exercise powers and perform functions under a contract, as authorized in the contract;
 - (j) accept financial or other assistance from any public or private source for the lake authority's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;
 - (k) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;
 - (l) issue bonds to finance the undertaking of any management objectives of the lake authority, including bonds under this chapter, bonds under Chapter 17, Utah Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;
 - (m) hire employees, including contract employees;
 - (n) transact other business and exercise all other powers provided for in this chapter;
 - (o) engage one or more consultants to advise or assist the lake authority in the performance of the lake authority's duties and responsibilities;
 - (p) work with adjacent political subdivisions and neighboring property owners and communities to mitigate potential negative impacts from the management of Utah Lake;
 - (q) help to facilitate development in a municipality or community reinvestment agency whose boundary abuts the lake authority boundary if the development also benefits the lake authority or the management of Utah Lake;
 - (r) subject to Subsection (5)(a), manage one or more marina facilities if the lake authority considers the lake authority managing the marina facility to be necessary or desirable;
 - (s) subject to Subsection (5)(b), own and operate publicly owned infrastructure and improvements in a project area outside the lake authority land; and
 - (t) exercise powers and perform functions that the lake authority is authorized by statute to exercise or perform.
- (5)
- (a) Notwithstanding Subsection (4)(r), the lake authority may not interfere with or replace the management of a privately operated marina.
 - (b) Notwithstanding Subsection (4)(s), the lake authority may not provide service through publicly owned infrastructure and improvements to an area outside the lake authority boundary.
 - (c) The lake authority may not impair or affect:
 - (i) a right to store, use, exchange, release, or deliver water under a water right and associated contract; or
 - (ii) a project or facility to store, release, and deliver water.
- (6) The lake authority may consult, coordinate, enter into agreements, or engage in mutually beneficial projects or other activities with a municipality, community reinvestment agency, or adjacent political subdivision, as the board considers appropriate.
- (7) The lake authority shall:
- (a) no later than December 31, 2022, prepare an accurate digital map of the lake authority boundary, subject to any later changes to the boundary enacted by the Legislature; and
 - (b) maintain the digital map of the lake authority boundary that is easily accessible by the public.
- (8)
- (a) The lake authority may establish a community enhancement program designed to address the impacts that management or uses within the lake authority boundary have on adjacent communities.
 - (b)

- (i) The lake authority may use lake authority money to support the community enhancement program and to pay for efforts to address the impacts described in Subsection (8)(a).
- (ii) Lake authority money designated for use under Subsection (8)(b)(i) is exempt from execution or any other process in the collection of a judgment against or debt or other obligation of the lake authority arising out of the lake authority's activities with respect to the community enhancement program.
- (c) On or before October 31, 2023, the lake authority shall report on the lake authority's actions under this Subsection (8) to the Natural Resources, Agriculture, and Environment Interim Committee of the Legislature.

Enacted by Chapter 59, 2022 General Session

11-65-203 Policies and objectives of the lake authority -- Additional duties of the lake authority.

- (1) The policies and objectives of the lake authority are to:
 - (a) protect and improve:
 - (i) the quality of Utah Lake's water, consistent with the Clean Water Act, 33 U.S.C. Sec. 1251 et seq., and Title 19, Chapter 5, Water Quality Act;
 - (ii) the beneficial and public trust uses of Utah Lake;
 - (iii) Utah Lake's environmental quality; and
 - (iv) the quality of Utah Lake's lakebed and sediments;
 - (b) enhance the recreational opportunities afforded by Utah Lake;
 - (c) enhance long-term economic benefits to the area, the region, and the state;
 - (d) respect and maintain sensitivity to the unique natural environment of areas in and around the lake authority boundary;
 - (e) improve air quality and minimize resource use;
 - (f) comply with existing land use and other agreements and arrangements between property owners and applicable governmental authorities;
 - (g) promote and encourage management and uses that are compatible with or complement the public trust and uses in areas in proximity to Utah Lake;
 - (h) take advantage of Utah Lake's strategic location and other features that make Utah Lake attractive:
 - (i) to residents for recreational purposes;
 - (ii) for tourism and leisure; and
 - (iii) for business opportunities;
 - (i) encourage the development and use of cost-efficient renewable energy in project areas;
 - (j) as consistent with applicable public trust, support and promote land uses on land within the lake authority boundary and land in adjacent political subdivisions that generate economic development, including rural economic development;
 - (k) respect and not interfere with water rights or the operation of water facilities or water projects associated with Utah Lake;
 - (l) respect and maintain sensitivity to the unique Native American history, historical sites, and artifacts within and around the lake authority boundary; and
 - (m) protect the ability of the Provo airport to operate and grow, consistent with applicable environmental regulations, recognizing the significant state investment in the airport and the benefits that a thriving airport provides to the quality of life and the economy.

- (2) In fulfilling the lake authority's duties and responsibilities relating to the management of Utah Lake and to achieve and implement the management policies and objectives under Subsection (1), the lake authority shall:
 - (a) work to identify funding sources, including federal, state, and local government funding and private funding, for capital improvement projects in and around Utah Lake;
 - (b) review and identify land use and zoning policies and practices to recommend to land use policymakers and administrators of adjoining municipalities that are consistent with and will help to achieve the policies and objectives stated in Subsection (1);
 - (c) consult and coordinate with other applicable governmental entities to improve and enhance transportation and other infrastructure and facilities in order to maximize the potential of Utah Lake to attract, retain, and service users who will help enhance the long-term economic benefit to the state; and
 - (d) pursue policies that the board determines are designed to avoid or minimize negative environmental impacts of management.
- (3) The lake authority shall respect:
 - (a) a permit issued by a governmental entity applicable to Utah Lake;
 - (b) a governmental entity's easement or other interest affecting Utah Lake;
 - (c) an agreement between governmental entities, including between a state agency and the federal government, relating to Utah Lake; and
 - (d) the public trust doctrine as applicable to land within the lake authority boundary.
- (4)
 - (a) The lake authority may use lake authority money to encourage, incentivize, fund, or require development that:
 - (i) mitigates noise, air pollution, light pollution, surface and groundwater pollution, and other negative environmental impacts;
 - (ii) includes building or project designs that minimize negative impacts to the June Sucker, avian species, and other wildlife;
 - (iii) mitigates traffic congestion; or
 - (iv) uses high efficiency building construction and operation.
 - (b) In consultation with the municipality in which management is expected to occur and applicable state agencies, the lake authority shall establish minimum mitigation and environmental standards for management occurring on land within the lake authority boundary.

Enacted by Chapter 59, 2022 General Session

11-65-204 Management plan.

- (1)
 - (a) The board shall prepare, adopt, and, subject to Subsection (1)(b), implement a management plan.
 - (b) The lake authority may not begin to implement a management plan until April 1, 2023.
- (2) In preparing a management plan, the board shall:
 - (a) consult with and seek and consider input from the legislative or governing body of each adjacent political subdivision;
 - (b) work cooperatively with and receive input from the Division of Forestry, Fire, and State Lands; and
 - (c) consider how the interests of adjacent political subdivisions would be affected by implementation of the management plan.

- (3) A management plan shall:
 - (a) describe in general terms the lake authority's:
 - (i) vision and plan for achieving and implementing the policies and objectives stated in Section 11-65-203; and
 - (ii) overall plan for the management of Utah Lake, including an anticipated timetable and any anticipated phases of management;
 - (b) accommodate and advance, without sacrificing the policies and objectives stated in Section 11-65-203, the compatible interests of adjacent political subdivisions;
 - (c) describe in general terms how the lake authority anticipates cooperating with adjacent political subdivisions to pursue mutually beneficial goals in connection with the management of Utah Lake;
 - (d) identify the anticipated sources of revenue for implementing the management plan; and
 - (e) be consistent with management planning conducted by the Division of Forestry, Fire, and State Lands, to pursue the objectives of:
 - (i) improving the clarity and quality of the water in Utah Lake;
 - (ii) not interfering with water rights or with water storage or water supply functions of Utah Lake;
 - (iii) removing invasive plant and animal species, including phragmites and carp, from Utah Lake;
 - (iv) improving littoral zone and other plant communities in and around Utah Lake;
 - (v) improving and conserving native fish and other aquatic species in Utah Lake;
 - (vi) cooperating in the June Sucker Recovery Implementation Program;
 - (vii) increasing the suitability of Utah Lake and Utah Lake's surrounding areas for shore birds, waterfowl, and other avian species;
 - (viii) improving navigability of Utah Lake;
 - (ix) enhancing and ensuring recreational access to and opportunities on Utah Lake; and
 - (x) otherwise improving the use of Utah Lake for residents and visitors.
- (4) A management plan may not interfere with or impair:
 - (a) a water right;
 - (b) a water project; or
 - (c) the management of Utah Lake necessary for the use or operation of a water facility associated with Utah Lake.
- (5)
 - (a) Before adopting a management plan, the board shall:
 - (i) provide a copy of the proposed management plan to:
 - (A) the executive director of the Department of Natural Resources;
 - (B) the executive director of the Department of Environmental Quality;
 - (C) the state engineer; and
 - (D) each adjacent political subdivision; and
 - (ii) provide a copy of the proposed management plan, for Utah County, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) Comments or suggestions relating to the proposed management plan may be submitted to the board within the deadline established under Subsection (5)(c).
 - (c) The board shall establish a deadline for submitting comments or suggestions to the proposed management plan that is at least 30 days after the board provides a copy of the proposed management plan under Subsection (5)(a)(i).
 - (d) Before adopting a management plan, the board shall consider comments and suggestions that are submitted by the deadline established under Subsection (5)(c).

Amended by Chapter 435, 2023 General Session

11-65-205 Project for the improvement of Utah Lake -- Role of the Division of Forestry, Fire, and State Lands -- Allowing the use of Utah Lake in exchange for the implementation of an improvement project.

- (1) As used in this section:
- (a) "Division" means the Division of Forestry, Fire, and State Lands created in Section 65A-1-4.
 - (b) "Improvement project" means a project for the improvement of Utah Lake as determined by the board.
 - (c) "Improvement project agreement" means an agreement under which an improvement project contractor agrees to undertake an improvement project.
 - (d) "Improvement project contractor" means a person who executes a legally binding improvement project agreement with the lake authority.
- (2)
- (a) Subject to Subsection (2)(b), the lake authority is substituted in the place of the division with respect to the management of Utah Lake.
 - (b) Subsection (2)(a) does not affect the division's role and responsibility relating to:
 - (i) the administration and issuance of permits, leases, rights of entry, or easements; or
 - (ii) the disposal of lake authority land.
- (3) The lake authority may enter into an improvement project agreement if:
- (a) the lake authority finds that the improvement project will fulfill the purposes listed in Section 11-65-203;
 - (b) the proposed improvement project is consistent with the public trust doctrine and the provisions of this chapter;
 - (c) the improvement project contractor obtains necessary permitting authorization from the division to construct or implement the improvement project on lake authority land; and
 - (d) at least 30 days before entering into the improvement project agreement, the lake authority provides notice of the lake authority's intention to enter into the improvement project agreement to each person that has requested notice under Subsection 11-65-402(2)(c) of the lake authority's intention to enter into the improvement project agreement.
- (4)
- (a) An improvement project agreement may include a provision allowing the division to permit a use of Utah Lake, consistent with the public trust doctrine, in exchange for the implementation of the improvement project agreement, as provided in this Subsection (4).
 - (b)
 - (i) If provided for in an improvement project agreement, the lake authority may recommend that the division allow the use of Utah Lake in exchange for the implementation of the improvement project agreement.
 - (ii) In making a recommendation under Subsection (4)(b)(i), the lake authority shall consider:
 - (A) the potential benefit to the citizens of the state from execution of an improvement project, the desirability of the proposed use of Utah Lake and the surrounding areas as a result of the improvement project, and the enhancement of the usability and enjoyment of Utah Lake and lake authority land that will accrue to the public because of the improvement project;
 - (B) the potential detriment to appropriated water rights in Utah Lake, in upstream tributaries, and downstream of Utah Lake;
 - (C) the potential that the improvement project presents for additional revenue to state and local government entities;

- (D) the enhancement to state property resulting from the proposed use of Utah Lake allowed to be used in exchange for the execution of the improvement project;
 - (E) the proposed timetable for completion of the improvement project;
 - (F) the ability of the improvement project contractor to execute and complete the improvement project satisfactorily; and
 - (G) the effects of the improvement project on lake ecology, including the ability to avoid or mitigate negative impacts to wetlands and to migratory birds, fish species, and other wildlife.
- (c) The division shall issue a permit for the use of Utah Lake in accordance with a recommendation under Subsection (4)(b)(i) if:
 - (i) the authority makes a recommendation under Subsection (4)(b)(i); and
 - (ii) the division finds the proposed use to be consistent with:
 - (A) management plans applicable to Utah Lake; and
 - (B) the public trust doctrine.
 - (d) Nothing in this Subsection (4) may be construed to allow the disposition of title to any land within the lake authority boundary in exchange for the implementation of an improvement project.

Enacted by Chapter 59, 2022 General Session

11-65-206 Applicability of other law -- Cooperation of state and local governments -- Authority of other agencies not affected -- Attorney general to provide legal services.

- (1) The lake authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.
- (2) A department, division, or other agency of the state and a political subdivision of the state is encouraged, upon the board's request, to cooperate with the lake authority to provide the support, information, or other assistance reasonably necessary to help the lake authority fulfill the lake authority's duties and responsibilities under this chapter.
- (3) Nothing in this chapter may be construed to affect or impair:
 - (a) the authority of the Department of Environmental Quality, created in Section 19-1-104, to regulate under Title 19, Environmental Quality Code, consistent with the purposes of this chapter; or
 - (b) the authority of the Division of Wildlife Resources, created in Section 23A-2-201, to regulate under Title 23A, Wildlife Resources Act, consistent with the purposes of this chapter.
- (4) In accordance with Utah Constitution, Article XVII, Section 1, nothing in this chapter may be construed to override, supersede, interfere with, or modify:
 - (a) any water right in the state;
 - (b) the operation of a water facility or project; or
 - (c) the role or authority of the state engineer.
- (5)
 - (a) Except as otherwise explicitly provided, nothing in this chapter may be construed to authorize the lake authority to interfere with or take the place of another governmental entity in that entity's process of considering an application or request for a license, permit, or other regulatory or governmental permission for an action relating to water of Utah Lake or land within the lake authority boundary.

- (b) The lake authority shall respect and, if applicable and within the lake authority's powers, implement a license, permit, or other regulatory or governmental permission described in Subsection (5)(a).
- (6) Nothing in this chapter may be construed to allow the authority to:
 - (a) consider an application for the disposal of land within the lake authority boundary under Title 65A, Chapter 15, Utah Lake Restoration Act; or
 - (b) issue bonding or other financing for a project under Title 65A, Chapter 15, Utah Lake Restoration Act.
- (7) The attorney general shall provide legal services to the board.

Amended by Chapter 34, 2023 General Session

Part 3 Lake Authority Board

11-65-301 Utah Lake Authority board -- Delegation of power.

- (1) The lake authority shall be governed by a board which shall manage and conduct the business and affairs of the lake authority and shall determine all questions of lake authority policy.
- (2) All powers of the lake authority are exercised through the board or, as provided in Section 11-65-305, the executive director.
- (3) The board may by resolution delegate powers to lake authority staff.
- (4) To consult with and advise the board in the performance of the board's duties in fulfilling the purposes of the lake authority, the board shall appoint:
 - (a) one or more advisory committees;
 - (b) one or more technical committees;
 - (c) one or more local government groups; and
 - (d) one or more stakeholder groups.

Enacted by Chapter 59, 2022 General Session

11-65-302 Number of board members -- Appointment -- Vacancies.

- (1) The lake authority's board shall consist of 15 members, as provided in Subsection (2).
- (2)
 - (a) The governor shall appoint two board members, at least one of whom shall be from the Governor's Office of Economic Opportunity.
 - (b) The president of the Senate shall appoint as one board member an individual who holds office as a member of the Senate and whose Senate district includes an area within Utah County.
 - (c) The speaker of the House of Representatives shall appoint as one board member an individual who holds office as a member of the House of Representatives and whose House of Representatives district includes an area within Utah County.
 - (d) The legislative body of Utah County shall appoint a member of the legislative body of Utah County as a board member.
 - (e)
 - (i) The Utah County Council of Governments shall appoint eight board members, at least one of whom shall be an individual selected from among individuals designated by chambers of

commerce in Utah County, each of which may recommend an individual for appointment to the board.

- (ii) Except for a member appointed as designated by a chamber of commerce in Utah County, all members appointed by the Utah County Council of Governments shall be elected officials from municipalities whose boundaries are no more than one half mile from the lake authority boundary.
- (iii) The initial members appointed by the Utah County Council of Governments shall include:
 - (A) an individual designated by the legislative body of the city of Lehi;
 - (B) an individual designated by the legislative body of the city of Lindon;
 - (C) an individual designated by the legislative body of the city of Spanish Fork;
 - (D) an individual who is an elected officer of the city of Provo, designated by the mayor of the city of Provo;
 - (E) an individual who is an elected officer of the city of Orem, designated by the legislative body of the city of Orem;
 - (F) an individual who is an elected officer of the city of Vineyard, designated by the legislative body of the city of Vineyard; and
 - (G) an individual who is an elected officer of the city of Saratoga Springs, designated by the legislative body of the city of Saratoga Springs.
- (f) The executive director of the Department of Natural Resources shall appoint one board member.
- (g) The executive director of the Department of Environmental Quality shall appoint one board member.
- (3) Appointments required under Subsection (2) shall be made no later than June 1, 2022.
- (4)
 - (a) A vacancy in the board shall be filled in the same manner under this section as the appointment of the member whose vacancy is being filled.
 - (b) An individual appointed to fill a vacancy shall serve the remaining unexpired term of the member whose vacancy the individual is filling.
- (5) A member of the board appointed by the governor, president of the Senate, or speaker of the House of Representatives serves at the pleasure of and may be removed and replaced at any time, with or without cause, by the governor, president of the Senate, or speaker of the House of Representatives, respectively.
- (6) The lake authority may appoint nonvoting members of the board and set terms for those nonvoting members.
- (7) Upon a vote of a majority of all board members, the board may appoint a board chair and any other officer of the board.
- (8) The board:
 - (a) may appoint one or more advisory committees that may include individuals from impacted public entities, community organizations, environmental organizations, business organizations, or other organizations or associations; and
 - (b) shall appoint an advisory committee to advise on:
 - (i) water rights, water projects, and water facilities associated with Utah Lake; and
 - (ii) recreation and avian and other wildlife activities on Utah Lake.

Amended by Chapter 204, 2023 General Session

11-65-303 Term of board members -- Quorum -- Compensation.

- (1) The term of a board member appointed under Subsection 11-65-302(2) is four years, except that the initial term is two years for:
 - (a) one of the two members appointed under Subsection 11-65-302(2)(a), as designated by the governor;
 - (b) four of the eight members appointed under Subsection 11-65-302(2)(e), as designated by the Utah County Council of Governments; and
 - (c) the members appointed under Subsections 11-65-302(2)(f) and (g).
- (2) Each board member shall serve until a successor is duly appointed and qualified.
- (3) A board member may serve multiple terms if duly appointed to serve each term under Subsection 11-65-302(2).
- (4) A majority of board members constitutes a quorum, and the action of a majority of a quorum constitutes action of the board.
- (5)
 - (a) A board member who is not a legislator may not receive compensation or benefits for the member's service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member as allowed in:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

Enacted by Chapter 59, 2022 General Session

11-65-304 Limitations on board members and executive director.

- (1) As used in this section:
 - (a) "Direct financial benefit":
 - (i) means any form of financial benefit that accrues to an individual directly, including:
 - (A) compensation, commission, or any other form of a payment or increase of money; and
 - (B) an increase in the value of a business or property; and
 - (ii) does not include a financial benefit that accrues to the public generally.
 - (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- (2) An individual may not serve as a voting member of the board or as executive director if the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to participate in or receive a direct financial benefit from the management of Utah Lake.
- (3) Before taking office as a voting member of the board or accepting employment as executive director, an individual shall submit to the lake authority a statement verifying that the individual's service as a board member or employment as executive director does not violate Subsection (2).
- (4)
 - (a) A voting member or nonvoting member of the board or an employee of the lake authority may not receive a direct financial benefit from the management of Utah Lake.
 - (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:
 - (i) expense reimbursements;
 - (ii) per diem pay for board member service, if applicable; or
 - (iii) an employee's compensation or benefits from employment with the lake authority.

- (5) Nothing in this section may be construed to affect the application or effect of any other code provision applicable to a board member or employee relating to ethics or conflicts of interest.

Enacted by Chapter 59, 2022 General Session

11-65-305 Executive director.

- (1)
- (a) The director of the Utah Lake Commission shall be the initial full-time executive director of the authority.
 - (b) Subsection (1)(a) does not affect the status of the executive director as an at-will employee.
- (2)
- (a) The executive director is the chief executive officer of the lake authority.
 - (b) The role of the executive director is to:
 - (i) manage and oversee the day-to-day operations of the lake authority;
 - (ii) fulfill the executive and administrative duties and responsibilities of the lake authority; and
 - (iii) perform other functions, as directed by the board.
- (3) The executive director shall have the education, experience, and training necessary to perform the executive director's duties in a way that maximizes the potential for successfully achieving and implementing the strategies, policies, and objectives stated in Section 11-65-203.
- (4) An executive director is an at-will employee who serves at the pleasure of the board and may be removed by the board at any time.
- (5) The board shall establish the duties, compensation, and benefits of an executive director.

Enacted by Chapter 59, 2022 General Session

11-65-306 Development of standards and criteria to measure progress toward achieving lake authority policies and objectives -- Annual report.

- (1) The board shall develop standards and criteria by which to measure:
- (a) the condition of Utah Lake as of 2022; and
 - (b) the extent to which efforts of the lake authority improve the condition of Utah Lake and achieve the policies and objectives of Section 11-65-203.
- (2) In developing the standards and criteria, the board shall consult with and consider recommendations by:
- (a) the Department of Environmental Quality;
 - (b) the Division of Water Quality;
 - (c) the Division of Forestry, Fire, and State Lands;
 - (d) the Division of Wildlife Resources;
 - (e) the Division of State Parks;
 - (f) the Division of Outdoor Recreation;
 - (g) the Division of Water Resources;
 - (h) the Division of Water Rights; and
 - (i) the Department of Agriculture and Food.
- (3) Beginning in 2023, the board shall produce an annual report that explains the degree to which efforts of the lake authority are improving the condition of Utah Lake and achieving the policies and objectives of Section 11-65-203, in accordance with the standards and criteria developed under this section.

Enacted by Chapter 59, 2022 General Session

Part 4
Project Area Plan and Budget

11-65-401 Preparation of project area plan -- Required contents of project area plan.

- (1)
- (a) The lake authority board's adoption of a project area plan is governed by this part.
 - (b) In order to adopt a project area plan, the lake authority board shall:
 - (i) prepare a draft project area plan;
 - (ii) give notice as required under Subsection 11-65-402(2);
 - (iii) hold the public meetings required under Subsection 11-65-402(1) at least 30 days apart;
and
 - (iv) after holding the required public meetings and subject to Subsection (1)(c), adopt the draft project area plan as the project area plan.
 - (c)
 - (i) The lake authority board may not adopt the project area plan until at least 30 days after the last public meeting under Section 11-65-402.
 - (ii) Before adopting a draft project area plan as the project area plan, the lake authority board may make modifications to the draft project area plan that the board considers necessary or appropriate.
 - (d)
 - (i) A lease or development agreement that the lake authority enters before the creation of a project area shall provide that the board is not required to create a project area.
 - (ii) The lake authority may not be required to pay any amount or incur any loss or penalty for the board's failure to create a project area.
- (2) Each project area plan and draft project area plan shall contain:
- (a) a legal description of the boundary of the project area that is the subject of the project area plan;
 - (b) the lake authority's purposes and intent with respect to the project area;
 - (c) a description of any management proposed to occur within the project area; and
 - (d) the board's findings and determination that:
 - (i) there is a need to effectuate a public purpose;
 - (ii) there is a public benefit to the proposed management project;
 - (iii) it is economically sound and feasible to adopt and carry out the project area plan; and
 - (iv) carrying out the project area plan will promote the purposes of the lake authority, as stated in Section 11-65-203.

Enacted by Chapter 59, 2022 General Session

11-65-402 Public meetings to consider and discuss draft project area plan -- Notice -- Adoption of plan.

- (1) The lake authority board shall hold at least two public meetings to:
- (a) receive public comment on the draft project area plan; and
 - (b) consider and discuss the draft project area plan.
- (2) At least 10 days before holding a public meeting under Subsection (1), the lake authority board shall:

- (a) provide notice of the public meeting, for Utah County, as a class A notice under Section 63G-30-102, for at least 10 days;
 - (b) provide notice of the public meeting to a public entity that has entered into an agreement with the lake authority for sharing property tax revenue; and
 - (c) provide email notice of the public meeting to each person who has submitted a written request to the board to receive email notice of a public meeting under this section.
- (3) Following consideration and discussion of the project area plan, the board may adopt the draft project area plan as the project area plan.

Amended by Chapter 435, 2023 General Session

11-65-403 Notice of project area plan adoption -- Effective date of plan -- Time limit on challenge to plan or project area.

- (1) Upon the board's adoption of a project area plan, the board shall provide notice as provided in Subsection (2) by publishing or causing to be published legal notice as required by Section 45-1-101.
- (2)
 - (a) A notice under Subsection (1) shall include:
 - (i) the board resolution adopting the project area plan or a summary of the resolution; and
 - (ii) a statement that the project area plan is available for general public inspection and the hours for inspection.
 - (b) The statement required under Subsection (2)(a)(ii) may be included in the board resolution or summary described in Subsection (2)(a)(i).
- (3) The project area plan becomes effective on the date designated in the board resolution adopting the project area plan.
- (4) The lake authority shall make the adopted project area plan available to the general public at the lake authority's office during normal business hours.
- (5) Within 10 days after the day on which a project area plan is adopted that establishes a project area, or after an amendment to a project area plan is adopted under which the boundary of a project area is modified, the lake authority shall send notice of the establishment or modification of the project area and an accurate map or plat of the project area to:
 - (a) the State Tax Commission;
 - (b) the Utah Geospatial Resource Center created in Section 63A-16-505; and
 - (c) the assessor and recorder of each county where the project area is located.
- (6) A legal action or other challenge to a project area plan or a project area described in a project area plan is barred unless brought within 90 days after the effective date of the project area plan.

Enacted by Chapter 59, 2022 General Session

11-65-404 Amendment to a project area plan.

- (1) The lake authority may amend a project area plan by following the same procedure under this part as applies to the adoption of a project area plan.
- (2) The provisions of this part apply to the lake authority's adoption of an amendment to a project area plan to the same extent as they apply to the adoption of a project area plan.
- (3) An amendment to a project area plan does not affect the base taxable value determination for property already within the project area before the amendment.

Enacted by Chapter 59, 2022 General Session

11-65-405 Project area budget.

- (1) Before the lake authority may use authority funds to implement the management plan, the authority board shall prepare and adopt a project area budget.
- (2) The lake authority board may amend an adopted project area budget as and when the lake authority board considers an amendment appropriate.
- (3) If the lake authority adopts a budget under Part 6, Lake Authority Budget, Reporting, and Audits, that also meets the requirements of this part, the lake authority need not separately adopt a budget under this part.

Enacted by Chapter 59, 2022 General Session

**Part 5
Lake Authority Bonds**

11-65-501 Resolution authorizing issuance of lake authority bonds -- Characteristics of bonds -- Time limit for contesting bonds.

- (1) The lake authority may not issue bonds under this part unless the board first:
 - (a) adopts a parameters resolution for the bonds that sets forth:
 - (i) the maximum:
 - (A) amount of bonds;
 - (B) term; and
 - (C) interest rate; and
 - (ii) the expected security for the bonds; and
 - (b) submits the parameters resolution for review and recommendation to the State Finance Review Commission created in Section 63C-25-201.
- (2)
 - (a) As provided in the lake authority resolution authorizing the issuance of bonds under this part or the trust indenture under which the bonds are issued, bonds issued under this part may be issued in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.
 - (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the lake authority resolution authorizing the issuance of the bonds or the trust indenture under which the bonds are issued.
- (3) Upon the board's adoption of a resolution providing for the issuance of bonds, the board may provide for the publication of the resolution as required in Section 45-1-101.
- (4) In lieu of publishing the entire resolution, the board may publish notice of bonds that contains the information described in Subsection 11-14-316(2).
- (5) For a period of 30 days after the publication, any person in interest may contest:
 - (a) the legality of the resolution or proceeding;
 - (b) any bonds that may be authorized by the resolution or proceeding; or
 - (c) any provisions made for the security and payment of the bonds.

- (6)
 - (a) A person may contest the matters set forth in Subsection (5) by filing a verified written complaint, within 30 days after the publication under Subsection (5), in the district court of the county in which the person resides.
 - (b) A person may not contest the matters set forth in Subsection (5), or the regularity, formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for contesting provided in Subsection (6)(a).
- (7) No later than 60 days after the closing day of any bonds, the authority shall report the bonds issuance, including amount of the bonds, terms, interest rate, and security, to:
 - (a) the Executive Appropriations Committee; and
 - (b) the State Finance Review Commission created in Section 63C-25-201.

Enacted by Chapter 59, 2022 General Session

Amended by Chapter 207, 2022 General Session, (Coordination Clause)

11-65-502 Sources from which bonds may be made payable -- Lake authority powers regarding bonds.

- (1) The principal and interest on bonds issued by the lake authority may be made payable from:
 - (a) the income and revenues of the projects financed with the proceeds of the bonds;
 - (b) the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of the bonds;
 - (c) the income, proceeds, revenues, property, and funds the lake authority derives from or holds in connection with the lake authority's undertaking and carrying out management of lake authority land;
 - (d) lake authority revenues generally;
 - (e) a contribution, loan, grant, or other financial assistance from the federal government or a public entity in aid of the lake authority; or
 - (f) funds derived from any combination of the methods listed in Subsections (1)(a) through (e).
- (2) In connection with the issuance of lake authority bonds, the lake authority may:
 - (a) pledge all or any part of the lake authority's gross or net rents, fees, or revenues to which the lake authority then has the right or to which the lake authority may thereafter acquire a right; and
 - (b) make the covenants and take the action that may be necessary, convenient, or desirable to secure the lake authority's bonds, or, except as otherwise provided in this chapter, that will tend to make the bonds more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Enacted by Chapter 59, 2022 General Session

11-65-503 Purchase of lake authority bonds.

- (1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase bonds issued by the lake authority under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of lake authority bonds of any duty to exercise reasonable care in selecting securities.

Enacted by Chapter 59, 2022 General Session

11-65-504 Those executing bonds not personally liable -- Limitation of obligations under bonds -- Negotiability.

- (1) A member of the board or other person executing a lake authority bond is not liable personally on the bond.
- (2)
 - (a) A bond issued by the lake authority is not a general obligation or liability of the state or any of the state's political subdivisions and does not constitute a charge against the general credit or taxing powers of the state or any of the state's political subdivisions.
 - (b) A bond issued by the lake authority is not payable out of any funds or properties other than those of the lake authority.
 - (c) The state and the state's political subdivisions are not and may not be held liable on a bond issued by the lake authority.
 - (d) A bond issued by the lake authority does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.
- (3) A bond issued by the lake authority under this part is fully negotiable.

Enacted by Chapter 59, 2022 General Session

11-65-505 Obligee rights -- Board may confer other rights.

- (1) In addition to all other rights that are conferred on an obligee of a bond issued by the lake authority under this part, and subject to contractual restrictions binding on the obligee, an obligee may:
 - (a) by mandamus, suit, action, or other proceeding, compel the lake authority and the lake authority's board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the lake authority with or for the benefit of the obligee, and require the lake authority to carry out the covenants and agreements of the lake authority and to fulfill all duties imposed on the lake authority by this part; and
 - (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2)
 - (a) In a board resolution authorizing the issuance of bonds or in a trust indenture, mortgage, lease, or other contract, the board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
 - (b)
 - (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
 - (A) cause possession of all or part of a development project to be surrendered to an obligee;
 - (B) obtain the appointment of a receiver of all or part of a lake authority's development project and of the rents and profits from it; and
 - (C) require the lake authority and the lake authority's board and employees to account as if the lake authority and the board and employees were the trustees of an express trust.
 - (ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i)(B), the receiver:
 - (A) may enter and take possession of the development project or any part of the development project, operate and maintain the development project, and collect and receive all fees,

rents, revenues, or other charges arising from the development project after the receiver's appointment; and

- (B) shall keep money collected as receiver for the lake authority in separate accounts and apply the money pursuant to the lake authority obligations as the court directs.

Enacted by Chapter 59, 2022 General Session

11-65-506 Bonds exempt from taxes -- Lake authority may purchase its own bonds.

- (1) A bond issued by the lake authority under this part is issued for an essential public and governmental purpose and is, together with interest on and income from the bond, exempt from all state taxes except the corporate franchise tax.
- (2) The lake authority may purchase the lake authority's own bonds at a price that the board determines.
- (3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by the lake authority on the lake authority's rents, fees, grants, properties, or revenues.

Enacted by Chapter 59, 2022 General Session

Part 6
Lake Authority Budget, Reporting, and Audits

11-65-601 Annual lake authority budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file annual budget.

- (1) The board shall prepare and adopt for the lake authority an annual budget of revenues and expenditures for each fiscal year.
- (2) An annual lake authority budget shall be adopted before June 22, except that the lake authority's initial budget shall be adopted as soon as reasonably practicable after the organization of the board and the beginning of lake authority operations.
- (3) The lake authority's fiscal year shall be the period from July 1 to the following June 30.
- (4)
- (a) Before adopting an annual budget, the board shall hold a public hearing on the annual budget.
- (b) The lake authority shall provide notice of the public hearing on the annual budget by publishing notice, for Utah County, as a class A notice under Section 63G-30-102, for at least one week immediately before the date of the public hearing.
- (c) The lake authority shall make the annual budget available for public inspection at least three days before the date of the public hearing.
- (5) The state auditor shall prescribe the budget forms and the categories to be contained in each lake authority budget, including:
- (a) revenues and expenditures for the budget year;
- (b) legal fees; and
- (c) administrative costs, including rent, supplies, and other materials, and salaries of lake authority personnel.

- (6) Within 30 days after adopting an annual budget, the board shall file a copy of the annual budget with the auditor of each county in which lake authority land is located, the State Tax Commission, and the state auditor.

Amended by Chapter 435, 2023 General Session

11-65-602 Amending the lake authority annual budget.

- (1) The board may by resolution amend an annual lake authority budget.
- (2) An amendment of the annual lake authority budget that would increase the total expenditures may be made only after a public hearing following notice published as required for initial adoption of the annual budget.
- (3) The lake authority may not make expenditures in excess of the total expenditures established in the annual budget as the budget is adopted or amended.

Enacted by Chapter 59, 2022 General Session

11-65-603 Lake authority report.

Before November 30 of each year, the board shall present a report to the Executive Appropriations Committee of the Legislature, as the Executive Appropriations Committee directs, that includes:

- (1) an accounting of how lake authority funds have been spent, including funds spent on the environmental sustainability component of the lake authority management plan under Subsection 11-65-202(2)(a);
- (2) an update about the progress of the management and implementation of the lake authority management plan under Subsection 11-65-202(2)(a), including the development and implementation of the environmental sustainability component of the plan; and
- (3) an explanation of the lake authority's progress in achieving the policies and objectives described in Section 11-65-203.

Enacted by Chapter 59, 2022 General Session

11-65-604 Audit requirements.

The lake authority shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Enacted by Chapter 59, 2022 General Session

11-65-605 Audit report.

- (1) The lake authority shall, within 180 days after the end of the lake authority's fiscal year, file a copy of the audit report with the county auditor and the state auditor.
- (2) Each audit report under Subsection (1) shall include:
 - (a) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the lake authority's projects; and
 - (b) the actual amount expended for:
 - (i) acquisition of property;
 - (ii) site improvements or site preparation costs;
 - (iii) installation of public utilities or other public improvements; and
 - (iv) administrative costs of the lake authority.

Enacted by Chapter 59, 2022 General Session

11-65-606 Lake authority chief financial officer is a public treasurer -- Certain lake authority funds are public funds.

- (1) The lake authority's chief financial officer:
 - (a) is a public treasurer, as defined in Section 51-7-3; and
 - (b) shall invest the lake authority funds specified in Subsection (2) as provided in that subsection.
- (2) Notwithstanding Subsection 63E-2-110(2)(a), appropriations that the lake authority receives from the state:
 - (a) are public funds; and
 - (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.

Enacted by Chapter 59, 2022 General Session

Part 7
Lake Authority Dissolution

11-65-701 Dissolution of lake authority -- Restrictions -- Notice of dissolution -- Disposition of lake authority property -- Lake authority records -- Dissolution expenses.

- (1) The lake authority may not be dissolved unless the lake authority has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons or entities other than the state.
- (2) Upon the dissolution of the lake authority:
 - (a) the Governor's Office of Economic Opportunity shall publish a notice of dissolution as required in Section 45-1-101; and
 - (b) all title to property owned by the lake authority vests in the state.
- (3) The books, documents, records, papers, and seal of the dissolved lake authority shall be deposited for safekeeping and reference with the state auditor.
- (4) The lake authority shall pay all expenses of the deactivation and dissolution.

Enacted by Chapter 59, 2022 General Session



UTAH LAKE AUTHORITY

Explore More



POLICIES & PROCEDURES

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FINANCIAL INSTRUCTIONS

BILL PAYMENTS

This policy outlines the process for bill payments for routine, day-to-day operations and special projects. Guidelines for the Utah Lake Authority's (ULA) purchases are detailed in the Procurement Procedures below. Expenses are to be processed in a timely manner according to the procedure outlined below:

1. When bills are received, the Clerk will file them to be processed by the executive director. No petty cash is used by the ULA.
2. There are two types of approval processes: invoices and purchase approvals, described in the procurement section below.



Utah Lake Authority

PURCHASE APPROVAL

Bank Charge By _____

Date _____

Company Name _____

Description _____

Total \$ _____ Account Number _____

Authorization

Eric Ellis, Executive Director

ULA Chair / Vice Chair

____ Verified on Checking Statement

____ Entered in Ledger

DEPOSIT PROCEDURES

All monies received should be deposited according to the procedure outlined below:

1. The Executive Director will endorse all checks and record them in the ledger.
2. The Clerk will complete a deposit slip and make copies of the check and deposit slip.
3. The deposit is taken to the bank the same day checks are received or, if received after 2:00pm, deposited the next business day.
4. The Executive Director and the Clerk initial the bank deposit slip to verify that the deposit matched the ledger deposit slip.
5. Copies of received checks and deposit receipts are maintained for a period of at least 7 years.

FINANCIAL ACCOUNTS

Purpose

This policy outlines the process for use, maintenance, and reconciliation of the ULA financial accounts and will guide employees of the ULA to perform financial operations within their responsibilities.

Policy

Checking Account

1. The Executive Director, Board Chair, Vice Chair, and Clerk will be signatories on the ULA checking account.
2. The checking account statements and general ledger will be balanced monthly by the ULA Clerk.
3. The Clerk will write the checks for invoices and bills and will submit them to the appropriate signers for review and approval.
4. The checking account and the checking account statement will be verified on a monthly basis by the Executive Director and the Clerk.
5. Any discrepancies will be corrected and initialed by both the Executive Director and the Clerk.
6. After reconciliation, the checking account statements will be signed and dated by the Clerk and maintained for a period of 7 years.

Business Savings Account

1. Transfers are made from the business savings account directly to the checking account on an as-needed basis.
2. The business savings account statement will be balanced on a monthly basis by the Executive Director.

PTIF Money Market Account

1. The Public Treasurer's Investment Fund (PTIF) money market account is held with the Utah Office of the State Treasurer.
2. The Executive Director will receive and reconcile the monthly statement for the money market account and will compare the recorded deposits and transfers and maintain the ledger balance.
3. The Executive Director will record deposits into and transfers out of the PTIF account on the monthly financial report that is presented to the ULA Board at a subsequent Board meeting.

Transfer Procedures

Transfers are usually made from either of the two savings accounts (business savings or PTIF account) to the checking account or, occasionally, between savings accounts. Transfers are performed by the Executive Director and verified by the Clerk during the monthly statement reconciliation process.

Bank Statement Reconciliation Procedures

Monthly statements are downloaded from the financial institution's website at the beginning of each month. Each month the statements are reconciled by the Executive Director and verified by the Clerk. Any discrepancies are resolved with the bank. Account statements are initialed and maintained in a file.

MEETINGS

GOVERNING BOARD

This policy outlines the scheduling and maintaining of records for the Governing Board meetings.

1. The Governing Board meeting is generally held every other month, starting in January, on the third Wednesday, from 9:00 to 11:00am at the Provo Airport (1331 Sky Wy, Provo, UT 84601) on the second floor in the multipurpose room. There are exceptions if the Board votes and decides to cancel for holidays or summer.
2. The Board meeting follows the parameters set forth in the Utah Open and Public Meetings Act (OPMA).
3. A draft agenda and all associated public handouts are posted on the Public Notice Website (PNW), on the Utah Lake Authority (ULA) website, and as otherwise required by OPMA.
4. Board meetings and other public meetings are recorded with two digital recorders.
5. The recordings are transcribed by a third-party transcription service provider.
6. Minutes are reviewed by Board members and are approved at the next available meeting.
7. Agendas and approved minutes are posted on the PNW and to the Public Meetings page on the ULA website.

Electronic Board Meetings

A Board meeting may be convened and conducted by means of telecommunications or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-207.

Purpose

The primary purpose for holding electronic meetings is to enable members of the Board to participate in the meeting electronically.

Nevertheless, provision may be made for a member of the public to monitor an open meeting of the Board through electronic means provided that the member of the public so requests in writing at least 3 days prior to the meeting and further provided that the ULA will not be required to acquire any equipment, facilities, or expertise that the ULA does not already possess in order to accommodate the request.

Notwithstanding anything to the contrary in this policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting.

Board members who have designated an alternate may vote by proxy.

Anchor Location

One or more anchor locations must be established for all electronic meetings. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. At least one anchor location for an electronic meeting must be in the building where the Board would normally meet if not holding an electronic meeting, or within the ULA offices.

A quorum of the Board need not be present at a single anchor location for an electronic meeting to be held. As few as one Board member may be present at the anchor location, as long as all other requirements of this policy and of Utah Code Ann. § 52-4-207 are satisfied for a meeting to be held as an electronic meeting, provided that the Board member who chairs the meeting is physically present at the anchor location.

Space and facilities must be provided at the anchor location(s) so that all interested persons may attend and monitor the open portions of the meeting. In addition, if the meeting is a public hearing, space and facilities must be provided at the anchor location(s) so that interested persons and the public may attend, monitor, and participate in the hearing.

Notice

The ULA must provide no less than 24 hours' advance public notice, including the agenda, date, time, location, and a description of how the Board members will be connected to the electronic meeting.

Notice will be posted at the principal office of the ULA (or at the building where the meeting is to be held if no principal office exists) and provided in written or electronic form to at least one newspaper of general circulation in the ULA operating area and at least one local media correspondent. Notice should also be posted on the Utah Public Notice Website (PNW). In addition, the notice must be posted at the anchor location (which may be the principal office of the ULA) and must be provided to all Board members at least 24 hours before the meeting.

These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Board.

Conduct of Meeting

No action may be taken and no business may be conducted at a meeting of the Board unless a quorum, consisting of a simple majority of the members of the Board, is present. A Board member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with Utah Code Ann. § 52-4-207.

Any Board member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present, except that the Board member who chairs the meeting must be present at the anchor location.

Except for a unanimous vote, the ULA Board, when conducting an electronic meeting, shall take all votes by roll call.

The ULA Board present at the anchor location will calculate quorum compliance by verifying electronic board member presence at the beginning of the meeting by voice and/or video confirmation.

FILING TAXES

BUDGET PREPARATION

*(Adapted from the "Manual for Special Districts" provided by the Utah State Auditor's Office)
Information on budgeting can be found in Utah Code 17B-1-605 to 611; 613 to 615; 630; 701 and 702.*

This policy establishes a budgeting process so that the public can have input on the Utah Lake Authority's (ULA) expenditures and plans. Upon formal adoption, the budget constitutes spending authority for the ULA and a formal plan for spending.

1. Budgets are required by law.
2. At adoption, the ULA legally binds itself to spend this much and no more. Any expenditure in excess of the budget is illegal, unless a budget amendment is approved by the Board through the formal budget amendment process, even if the ULA has money available to spend.
3. The budget process must be completed before the budget year begins. The ULA operates on a fiscal year beginning July 1st of each year. The process can start earlier, but the final budget must be approved before the first day of the fiscal year.
4. The ULA implements the following budget calendar:
 - a. February—The Executive Director prepares a tentative budget for the Board to review at its meeting in March.
 - b. March—At its meeting in March, the Board shall:
 - i. Approve a tentative budget
 - ii. Set a budget hearing date (May or June)
 - c. May—
 - i. During May, but at least seven days before the hearing date, public notice must be given of the hearing. Public notice means publication in at least one issue of a newspaper of general circulation. Notice should also be published on the ULA website and on the state PNW (<https://www.utah.gov/pmn/>).
 - ii. The tentative budget must be available to the public for 7 days before the final adoption of the budget.
 - iii. The Governing Board will hold the hearing as listed in the public notices.
 - iv. Prior to the end of the month, the Board must formally adopt a final budget. A copy of the ULA's final budget must be sent to the State Auditor's Office using their electronic forms ([available online](#)) within 30 days of approval. The original budget should be kept on file for ULA use and public inspection.

Budget Amendments

Original budgets may be amended during the budget year to increase the original budget; however, budgets may not be changed after the budget year ends. Generally, budget amendments follow the same procedures as the adoption of the original budget (public notice and hearing) with some exceptions:

- The Governing Board may move budgeted expenditures from one budgeted line item to another without a public hearing. Adjusting line items is allowed if they are within the same fund and if the adjustment does not increase total expenditures or involve reducing the amount budgeted for debt retirement or reduction of a deficit (see *Utah Code 17B-1-620*).
- *Utah Code 17B-1-620(l)* requires that a board of trustees establish policies for amending budgeted line items. For example, if a district has a general fund and within the general fund are two departments (water and sewer), a policy may authorize a budget officer, with the approval of a general manager, to move money from one budgeted line to another budgeted line within the same department.
- When adjusting budgeted line items between departments within a fund, the policy may require that the transfer be approved by the Governing Board. When the policy requires the approval of a governing board, the Board should place the adjustment on the agenda of an open meeting and approve the adjustment in the meeting.
- The budget of an enterprise fund may be amended by a resolution of the Board of Trustees at any regular or special meeting called for that purpose without a public hearing. This includes increasing total expenditures of the fund (See *Utah Code 17B-1-630*). The ULA does not have an enterprise fund.

PROCUREMENT

This policy applies to the procurement of supplies and services involving the expenditure of public funds by the Utah Lake Authority (ULA) and to any public purchase irrespective of the source of the funds. If the procurement involves the expenditure of federal assistance or grant funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulation and this policy. Nothing in this policy shall prevent the ULA from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. All procurement types require a separation of duties so that the individual requesting and/or approving the purchase is not the same individual who is authorizing to sign for the good or service.

These methods are outlined in the Purchasing Matrix, attached as Exhibit A.

Definitions

Term	Definition
Procurement	The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction
Request for Proposals (RFP)	All documents utilized for soliciting proposals, including those which are attached or incorporated by reference
Services	The furnishing of labor, time, or effort by any person, including professional services. These services do not include labor, effort, or work provided under an employment agreement.
Sole-Source Contract	A supply or service of a unique or specialized nature that is only available from one known supplier
Supplies	All property, including, but not limited to, goods, equipment, materials, printing, insurance, and leases of real property, excluding land or permanent interest in land

Roles and Responsibilities

Role	Responsibility

Assistant Attorney General / Compliance Officer	<p>Provide written approval for sole-source procurements that includes rationale for sole-source</p> <p>Ensure compliance with state surplus and asset management requirements</p> <p>Establish and maintain appropriate RFP forms and templates</p>
Executive Director	<p>Maintain authority to sign all agreements and documents necessary to make purchases</p> <p>Work with State of Utah Surplus Property Program to sell, trade, or dispose of surplus property belonging to the ULA</p> <p>Provide written approval for sole-source procurements that includes rationale for sole source</p> <p>Be a signatory for all contracts</p> <p>Approve contract extensions and changes if funding is within the approved annual budget amounts</p>
Clerk	<p>Oversee Evaluation Committee</p> <p>Collect Evaluation Committee reviews</p> <p>Author bid specifications, issue solicitations, and inspect (minimum mandatories), review, and accept proposals</p> <p>Work with State Purchasing to post solicitations</p> <p>Review solicitation pricing and enter pricing into final results</p>
ULA Governing Board	<p>Approve large (> \$50,000) sole-source contracts</p> <p>Approve major capital projects</p>

COMPETITIVE BIDDING

ULA purchases are typically awarded by use of competitive bidding, except as otherwise provided by this policy (e.g., see the Purchasing Matrix attached as Exhibit A). The ULA may utilize State Purchasing, including the submission portal, when soliciting bids. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Each competitive bid will commence when ULA staff issue an Invitation for Bids. The bid will include specifications, general contractual terms, and conditions applicable to the procurement as well as any other information deemed appropriate.

Public Notice

All noticing shall be handled by the ULA Clerk in conjunction with State Purchasing. Adequate public notice shall be given for a reasonable time and not less than 7 business days prior to the date set forth for an opening of bids.

Evaluation

The solicitation shall state the relative importance of price and other evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee Lead will be responsible for overseeing the evaluation process with the designated Evaluation Committee members. An Evaluation Committee must have at least three members.

Award

The purchase shall be awarded with reasonable promptness by written notice to the bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids.

Cancellation of Invitation of Bids

An Invitation for Bids may be canceled by the ULA Clerk in whole or in part when it is in the best interest of the ULA.

COMPETITIVE PROPOSALS

The Executive Director may determine that the use of competitive bidding, specifically for concession agreements, is either not practicable or not advantageous to the ULA; in that case a purchase may be made by use of the competitive proposals' method. The ULA may utilize State Purchasing, including the submission portal when soliciting proposals. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Competitive proposals shall be solicited through a Request for Proposals (RFP).

Public Notice

Adequate public notice of the solicitation shall be given in the same manner as required for competitive bids.

Evaluation

The solicitation shall state the relative importance of evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee Lead will be responsible for overseeing the evaluation process with the designated Evaluation Committee members. An Evaluation Committee must have at least three members.

The ULA's Evaluation Committee Lead may have discussions with responsible bidders, and revisions to the solicitation may be allowed.

Award

Awards shall be made to the responsible bidder whose proposal is deemed by the Evaluation Committee to bring the most value and be the most advantageous to the ULA, which may include price as an evaluation component.

Cancellation of an RFP

Cancellation of an RFP may be made by the Solicitation Officer in whole or in part when it is determined to be in the best interest of the ULA.

UNSOLICITED PROPOSALS

The ULA will follow 63G-6a-712 for unsolicited proposals.

CLASSIFICATION OF PURCHASES

Minimal Purchases

Minimal purchases are purchases having an aggregate total value with a single vendor of no more than \$5,000 annually within the fiscal year. So long as funds used for such purchases are part of the annual approved budget, ULA staff may make a minimal purchase request without following any formal process set forth in this policy. Notwithstanding this exception, the

purchaser shall make a reasonable effort to identify and utilize the lowest responsible provider of the purchase.

Small Purchases

Small purchases are purchases having an aggregate total value with a single vendor of no more than \$50,000 annually within the fiscal year. As long as funds used for such purchases are part of the annual approved budget, ULA staff may make a small purchase request so long as two or more competitive quotes are received.

Large Purchases

Large purchases have an aggregate total value with a single vendor of more than \$50,000 annually within the fiscal year. As long as the funds are included in the annual budget that has been approved by the Board, the ULA may approve large purchases with the approval of the Executive Director and the Board Chair or Vice Chair.

State Cooperative Contract Purchasing

If available to the ULA because competitive procurement has already been completed, any item that is a State Cooperative Contract item may be purchased without following the Invitation for Bids or RFP requirements set forth in this policy.

Government Agency Purchasing

When purchasing supplies, material, or equipment from a vendor who has been awarded a bid from a local, state, or federal governmental entity within the preceding 90 days at the quoted price available for such items, the ULA need not follow any other bidding requirements.

Contracting for Designated Professional Services

The ULA may procure professional services, including, but not limited to, financial and legal professionals, architects, engineers, accountants, physicians, and construction managers as well as other similar professional services. These services may be procured via competitive bid based on demonstrated competence and qualification at a fair and reasonable price.

Concession Agreement

The ULA may engage with vendors for a concession agreement that gives the vendor the right to operate a specific business within ULA-owned or -leased ground or property.

Contracting with Other Governmental Agencies

Where it is demonstrated that such services provide optimal value, the ULA may contract with a government agency through the use of an interlocal agreement without utilizing the formal procurement procedures set forth in this policy.

Sole-Source Procurement

Sole-source procurement may arise when the ULA requires a supply or service of a unique or specialized nature and, to the best of the requester's knowledge and belief based on thorough research, only one known supplier is reasonably available to meet the need; or when specific parts, accessories, equipment, material, services, proprietary items, or other items are necessary to meet the ULA's needs and there are no comparable items reasonably available; or items are procured for resale. Sole-source procurement is not to be used to avoid competition.

The ULA may utilize sole-source procurement in lieu of the formal procurement requirements set forth in this policy when the Executive Director determines that its use is appropriate. This approval must be in writing and stored with the ULA Clerk. The Chief Compliance Officer shall be consulted as part of the determination of using a sole-source procurement.

Very Specialized or Confidential Services

The need to procure very specialized or confidential services may arise when the ULA requires products or services of a specific or highly specialized, confidential, or secret nature, such as security systems or services to investigate allegations of harassment.

The ULA may utilize very specialized or confidential services in lieu of the formal procurement requirements set forth in this policy when the Executive Director determines that its use is appropriate.

Emergencies, Public Threats, and Unforeseen Conditions

Generally, and notwithstanding any other provision of this policy, an executive team member may make emergency procurement of supplies or services where there exists a threat to public health, welfare, or safety or when an unforeseen condition exists that requires procurement to preserve life or safety.

BOARD APPROVAL

If the Board specifically approves within the annual budget specific items for statutory requirements, related projects, and professional services, the ULA will be able to proceed with obtaining goods and services. However, if a specific good or service is not approved with an

annual or amended budget, then Board approval will be needed. In addition, if the Board approves a purchase, lease, sublease, or sale of real property, the payment of real estate brokerage fees and leasing or other commissions in connection therewith is assumed and authorized without specific authorization in the Board approval.

CONFLICT OF INTEREST

Any ULA staff member involved in the RFP process must abide by the ULA Code of Conduct and disclose any conflicts of interest, including business opportunities and close relation or involvement with third parties.

A conflict of interest or the appearance of a conflict of interest may occur if an Evaluation Committee member or lead is directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, an Evaluation Committee member or lead must inform the ULA Chief Compliance Officer of any potential conflicts of interest. If an Evaluation Committee member or lead becomes aware of any potential conflict of interest as they review a proposal, such person must immediately notify the ULA Executive Director or Chief Compliance Officer. An Evaluation Committee member may be disqualified if they conduct themselves in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or other business entity whether through direct association with contract representatives, indirect associations, recreational activities, or otherwise.

The ULA will adhere to R33-24-104 Socialization with Vendors and Contractors, R33-24-105 Financial Conflicts of Interest Prohibited, R33-24-106 Personal Relationship, Favoritism, or Bias Participation Prohibition, and R33-24-107 Professional Relationships and Social Acquaintances Not Prohibited

To assure the integrity of the solicitation process, all Evaluation Committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement (see Exhibit C).

EXHIBIT A – PURCHASING MATRIX

Type of Purchase	Dollar Amount	Policy Requirements	Initial Approval	Secondary Approval
Minimal Purchase	Under \$5,000 annual fiscal year cumulative amount	Funds must be available Documents are retained	Executive Director	ULA Clerk
Small Purchase	\$5,000 or greater but less than \$50,000 annual fiscal year cumulative amount	Minimum of two competitive quotes that include minimum specifications Funds must be available Documents are retained	Executive Director	ULA Governing Board Chair or Vice Chair
Large Purchase	\$50,000 or greater but less than \$250,000 annual fiscal year cumulative amount	Bid or proposal Seven days' notification using State Purchasing System State Purchasing to oversee bidding process	Executive Director	ULA Governing Board Chair or Vice Chair

Long-Term Purchases Contract /Cumulative Contract Value	\$250,000 or greater or three years or longer total contract	Board approval prior to any purchase	Executive Director ULA Board	ULA Governing Board Chair or Vice Chair
State Cooperative Contract	Any amount	Purchase without a bid process	Executive Director	ULA Governing Board Chair or Vice Chair
Professional Services	Any amount	\$0 to < \$50,000 Minimal purchase process > \$50,000 Competitive bid process. These services include lawyers, engineers, architects, auditors, real estate brokers, leasing agents, construction managers, etc. A limited evaluation of expertise and scope must be conducted, approved, and signed off by the Executive Director prior to the RFP being posted.	Executive Director	ULA Governing Board Chair or Vice Chair
Ground or Property Leases	Any amount	Purchases or leases for ground or property	Executive Director ULA Governing Board	ULA Governing Board Chair or Vice Chair

Concession Agreements	Any amount	<p>Concession proposal</p> <p>Seven days' notification using State Purchasing system</p> <p>Notice arranged with State Purchasing</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Government Agency	Any amount	<p>< \$100,000</p> <p>If another governmental entity (local, state, or federal) has awarded a contract to a vendor via a competitive bid process within the past 90 days and the vendor will give the same price, you may purchase without bid procedure.</p> <p>= or > \$100,000</p> <p>Competitive bid process</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Interlocal Agreements	Any amount	<p>Purchases from other governmental entities</p> <p>May be made without bid procedure at any level</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Sole-Source Purchasing	Any amount	<p>May be made without bid procedure at any level</p> <p>> \$250,000</p> <p>Must be approved in writing by the Executive Director in consultation with the Chief Compliance Officer</p>	Executive Director	ULA Governing Board Chair or Vice Chair

Confidential Services	Any amount	Purchases to obtain confidential services May be made without bid procedure at any level	Executive Director	ULA Governing Board Chair or Vice Chair
Emergencies	Any amount	Purchases of supplies, services, or construction during emergencies May be made without bid procedure at any level	Executive Team Member	ULA Clerk

EXHIBIT B – RFP CONFLICT OF INTEREST AND CONFIDENTIALITY

Your willingness to participate as an RFP Evaluation Committee member is an integral part of the procurement process. The Utah Lake Authority (ULA) truly appreciates your assistance and expertise.

Your designation as an RFP Evaluation Committee member requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein. Under the Utah Administrative Code R33-24-101, “unlawful conduct shall be governed in accordance with the requirements set forth in Sections 63G-6a-2401 through 2407 [of the Utah Procurement Code].” Rule 33-24 of the Utah Administrative Code provides additional requirements and procedures and must be used in conjunction with the Utah Procurement Code.

Confidentiality

The competitive procurement process and policies of the ULA ensure that the competitive process operates in a fair and equitable manner. As an RFP Evaluation Committee member, you may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. This information may include information about proposers that is to be used only during the evaluation process and for discussion only with fellow RFP Evaluation Committee members. You shall not communicate the evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as an RFP Evaluation Committee member for either personal benefit, pecuniary, or otherwise or copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

Conflict of Interest

A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform the ULA of any potential conflicts of interest. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify the ULA. You may be disqualified as an RFP Evaluation Committee member if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or

other business entity whether through direct association with contract representatives, indirect associations, recreational activities, or otherwise.

As part of the ULA Procurement Policy, a conflict of interest includes:

R33-24-104. Socialization with Vendors and Contractors

(1) A procurement professional shall not:

- participate in social activities with vendors or contractors that will interfere with the proper performance of the procurement professional's duties
- participate in social activities with vendors or contractors that will lead to unreasonably frequent disqualification of the procurement professional from the procurement process
- participate in social activities with vendors or contractors that would appear to a reasonable person to undermine the procurement professional's independence, integrity, or impartiality.

(2) If an executive branch procurement professional participates in a social activity prohibited under R33-24-104(1) or has a close personal relationship with a vendor or contractor, the procurement professional shall promptly notify their supervisor, and the supervisor shall take the appropriate action, which may include removal of the procurement professional from the procurement or contract administration process that is affected.

R33-24-105. Financial Conflict of Interests Prohibited

A procurement conflict of interest is a situation in which the potential exists for an executive branch employee's personal financial interests or for the personal financial interests of a family member to influence or have the appearance of influencing the employee's judgment in the execution of the employee's duties and responsibilities when conducting a procurement or administering a contract.

In order to preserve the integrity of the State's procurement process, an executive branch employee may not take part in any procurement process, contracting, or contract administration decision:

- relating to the employee or a family member of the employee
- relating to any entity in which the employee or a family member of the employee is an officer, director, or partner or in which the employee or a family member of the employee owns or controls 10% or more of the stock of such entity or holds or directly or indirectly controls an ownership interest of 10% or more in such entity

(3) If a procurement process, contracting, or contract administration matter arises relating to the employee or a family member of the employee, the employee must advise their supervisor of the relationship and must be recused from any and all discussions or decisions relating to the procurement, contracting, or administration matter. The employee must also comply with all disclosure requirements in Utah Code Title 67 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

R33-24-106. Personal Relationship, Favoritism, or Bias Participation Prohibitions

(1) Executive branch employees are prohibited from participating in any and all discussions or decisions relating to the procurement, contracting, or administration process if they have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence their independence in performing their assigned duties and responsibilities relating to the procurement process, contracting, or contract administration or prevent them from fairly and objectively evaluating a proposal in response to a bid, RFP, or other solicitation. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

(2) If an executive branch employee has a personal relationship, favoritism, or bias toward any individual, group, organization, or vendor responding to a bid, RFP, or other solicitation, the employee must make a written disclosure to the supervisor, and the supervisor shall take appropriate action, which may include recusing the employee from any and all discussions or decisions relating to the solicitation, contracting, or administration matter in question. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

R33-24-107. Professional Relationships and Social Acquaintances Not Prohibited

(1) It is not a violation for an executive branch employee who participates in discussions or decisions relating to the procurement, contracting, or administration process to have a professional relationship or social acquaintance with a person, contractor, or vendor responding to a solicitation or that is under contract with the State, provided that there is compliance with Rule R33-24-105, Rule R33-24-106, the Utah Public Officers' and Employees' Ethics Act, the Governor's Executive Order (EO 002 2014) "Establishing an Ethics Policy for Executive Branch Agencies and Employees," and other applicable state laws.

To assure the integrity of the RFP process, all RFP Evaluation Committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement.

EXHIBIT C – RFP COI: RFP EVALUATOR CONFLICT OF INTEREST/CONFIDENTIALITY STATEMENT

I, _____, as a member of the RFP Evaluation Committee for Request for Proposals Utah Lake Authority (Insert RFP Name), will perform the evaluation under the guidelines, procedures, and requirements provided by the ULA.

Further, I represent as follows:

I, to the best of my knowledge, do not have a conflict of interest with vendors or contractors in which the potential exists for my personal financial interests or for the personal financial interests of a family member to influence or have the appearance of influencing my judgment in the execution of my Evaluation Committee duties and responsibilities.

I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation or who currently has a contract with the ULA.

I will not participate in any discussions or decisions relating to this RFP if I have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence my independence in performing my assigned Evaluation Committee duties and responsibilities or prevent me from fairly and objectively evaluating a proposal.

I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

I understand that all information contained in the proposals and information regarding the evaluation process is protected and cannot be released or discussed in any manner with other offerors or individuals not involved in the evaluation process. I agree that I will not discuss or share any information provided in the proposals or interviews with anyone other than the selection committee members and the ULA-designated Evaluation Committee Lead prior to the completion of the evaluation and selection process, and I will not discuss or disseminate the deliberations of the selection committee, the basis for the selection, or any information identified as protected.

I have read this document and understand my obligations as explained herein. I further understand that I must immediately advise the ULA, in writing, if a conflict currently exists or arises during my term of service as an RFP Evaluation Committee member. I further understand that I must sign and deliver this statement to the ULA Chief of Compliance prior to participating in the evaluation process.

Evaluator Signature: _____ Date:

PRIVACY POLICY

For the purposes of this statement, "personally identifiable information" means any information relating to an identified or identifiable individual who is the subject of the information.

Individuals do not have to routinely provide personal information to visit the Utah Lake Authority (ULA) site or to download information. Government agencies may request personally identifiable information from you in order to provide requested specialized services, but such information is handled as it would be on an in-person visit to a government office.

PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE FROM GOVERNMENTAL WEBSITES

Access to personally identifiable information in public records at state and local levels of government in Utah is controlled primarily by the Government Records Access and Management Act (GRAMA). Information that is generally available under GRAMA may be posted for electronic access through utahlake.gov. The IP addresses of computers (servers) used to visit this site are noted as part of our statistical analysis on use of our website so we may better design services and improve access to them.

Cookies and tracking pixels are also utilized as a part of statistical analysis. However, the site does not attempt to gain personally identifiable information on individual users and associate them with IP addresses.

USE OF EMAIL ADDRESSES

Email addresses obtained as a result of outreach efforts by the ULA will not be sold nor given to private companies for marketing purposes. The information collected is subject to GRAMA. Email or other information requests sent to our website may be maintained in order to respond to the request, forward that request to the appropriate agency, communicate updates to the webpage that may be of interest to residents, or to provide the ULA web designer with valuable customer feedback to assist in improving the site.

LINKS

This website contains links to other sites. Please be aware that the ULA is not responsible for the content or privacy practices of other such sites. We encourage our users to be aware when they leave our site and to read the privacy statements of any other site that collects personally identifiable information.

CHANGES TO AND VERSIONS OF THE PRIVACY POLICY

This privacy policy may be changed at any time; any changes will be posted on the website. Information collected while a particular version of this policy is in effect will be handled in accordance with that version. If you have questions, comments, or concerns, please contact us.

If you feel that the ULA is not abiding by this privacy policy, please contact the ULA office immediately via telephone at 801-753-8270 or via email at info@utahlake.gov.

RECORDS MANAGEMENT

The Utah Lake Authority (ULA) will comply with the most recent additions of the Open and Public Meetings Act (OPMA) and the Government and Records Access Management Act (GRAMA). Records management is crucial to operating in a transparent manner, and all efforts will be made by ULA staff to ensure compliance.

RESPONSIBILITIES

The ULA Executive Director shall serve as the records Chief Administrative Officer (CAO). The ULA Executive Director will designate one or more staff members as designated Records Officers to ensure agency compliance with GRAMA, records management, and GRAMA requests. Responsibilities of the CAO, records officer(s), and staff are specified in GRAMA.

RETENTION SCHEDULES

The ULA shall keep all records, including books, accounts, and documents according to the General Records Retention Schedules of the Utah State Archives. Such records shall be open for public inspection pursuant to the provisions of the ULA Records Management Policy and GRAMA. The following are a few records to which there are additional details provided to inform staff:

Email

All staff emails will be maintained according to the three Correspondence Retention Schedules provided by Utah State Archives: Transitory (GRS-1759), State Government Routine Administrative Correspondence (GRS-48), and State Agency Executive Correspondence (GRS-1758).

Emails are kept in inbox until the applicable retention schedule disposition applies. Employees should review their inboxes on a monthly basis to ensure compliance on disposition. Email trash settings will be set to delete forever at 30 days.

Text Messages

All communications via text that staff participate in on work topics should be transitory in nature and follow the Transitory Correspondence Retention Schedule. Staff phones should be set to automatically delete text messages that are 30 days old. Any communications that are administrative (GRS-48) or executive (GRS-1758) should not occur over text message.

Paper Files

All paper files considered records must be maintained according to the General Retention Schedule. All files should be maintained in the agency filing cabinet in the ULA offices, filed according to the appropriate retention schedule and labeled accordingly. Paper files that fall under a retention schedule with permanent retention disposition should be filed in long-term storage totes.

Digital Files

All digital files created or maintained by ULA staff should be retained in accordance with the General Retention Schedule. Files and folders should be named to ensure clarity in retention as well as in response to GRAMA requests. Files should have dates present, either in the file name or on the document itself. All drafts should have the word “draft” present to be properly identified. Staff should ensure that any personal notes or files are kept separate from agency files.

AUDIT

The Records Officer will ensure ULA staff perform self-audits quarterly to maintain records management. The Records Officer will perform an annual audit of agency records. Any records that are set to be destroyed according to their applicable retention schedule should be disposed of properly during the monthly and annual audits.

GRAMA RECORDS REQUESTS

A request for records possessed by the ULA can be made by submitting a written request under GRAMA. Requests must be submitted via the Utah Open Records Portal:
<https://archives.utah.gov/opengovernment/open-records.html>.

Any individual or entity can submit a GRAMA request. The ULA GRAMA Officer will review and respond to all requests. All documents are considered public unless the GRAMA Officer designates them as private, controlled, or protected.

Fees will be assessed in compliance with GRAMA. If the fee is over \$50, the ULA may require payment of estimated fees before the documents are provided.

ULA Fees for Providing Records under GRAMA

As authorized by GRAMA, Utah Code § 63G-2-203, a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of duplicating a record:

Standard size, non-color white copies	\$0.25 per page
Standard size, color copies	\$0.50 per page
11×17 copies	\$0.50 per page
Other-sized copies	Actual cost
Data or media storage device	\$15.00 (up to 16GB)
Other media/supplies	Actual cost
Staff mail preparation time	\$2.00 (plus actual mailing cost if greater than \$2.00)
Certification of a document	\$2.00 per certification
Other services	Actual cost (includes staff time)

Staff Time

GRAMA provides that staff time includes the time required to search, compile, and otherwise prepare to provide a record. The actual cost should not exceed the salary of the lowest-paid employee who, under the discretion of the Records Custodian, has the necessary skill and training to perform the request under Utah Code § 63G-2-203(2)(b).

Staff time is calculated hourly when preparing and distributing digital documents.

SOCIAL MEDIA POLICY

INTERNAL POLICY

This document defines the social networking and social media policy for the Utah Lake Authority (ULA). The ULA encourages the use of social media to further the goals of the agency and the missions of its departments, where appropriate.

Personal vs. Professional Guidelines

Personal Use

All ULA employees may have personal social media sites. These sites should remain personal in nature and share personal opinions. While ULA employees may have a First Amendment right to comment on some agency issues that are of significant public concern, employees should know that posts about agency issues that are closer to employment complaints or human resources concerns may not be protected. Employees should be mindful of the distinction between sharing personal and agency views.

Agency employees must never use their agency email account or password in conjunction with a personal social media site. The following guidance is for agency employees who decide to have a personal social media or who decide to comment on posts about official ULA business:

- State your name and, if relevant, role, when discussing agency business
- Use a disclaimer such as, “The postings on this site are my own and don’t reflect or represent the opinions of the agency for which I work.” If social media is used for official agency business, the entire agency site, regardless of any personal views, is subject to best practice guidelines and standards.

Professional Use

All official ULA-related communication through social media should remain professional in nature and should always be conducted in accordance with the ULA’s communications policy, practices, and expectations. Employees must not use official agency social media for political purposes, to conduct private commercial transactions, or to engage in private business activities. ULA employees should be mindful that inappropriate use of official agency social media can be grounds for disciplinary action.

Only individuals authorized by the ULA may publish content to the ULA's online platforms.

Posting

Official social media sites need to be clear and precise and follow industry best practices for posting updates. All content posted to ULA social media should be:

- **Relevant**—Information that engages residents and pertains to their daily lives
- **Timely**—Pertains to deadlines, upcoming events, or current news
- **Actionable**—Prompts residents to take action

Please refer to the ULA style guide for specific guidelines on content format.

What Not to Post

ULA employees may not publish content on ULA social media sites that includes:

- Confidential information
- Copyrighted material without permission
- Profane, racist, sexist, threatening, or derogatory content or comments
- Partisan political views
- Commercial endorsements or spam

Retention

Social media sites are subject to GRAMA. Any content produced or maintained on a ULA social media site, including communication posted by the agency and communication received from citizens, is a public record.

The department maintaining a site shall preserve records pursuant to the relevant records retention schedule in a format that preserves the integrity of the original record and is easily producible.

Registering a New Page

All ULA social media sites shall be (1) approved by the Outreach Coordinator, (2) published using approved social networking platform and tools, and (3) administered by the contact or their designee.

Deregistering an Existing Page

If a social media page is no longer of use, (1) notify the Outreach Coordinator, (2) ensure records have been archived according to agency guidelines, (3) unpublish and delete page.

EXTERNAL POLICY

Purpose

To build communication and trust with our residents and visitors and encourage participation through comments and feedback.

Goals

The ULA aims to effectively use social media accounts to:

- Provide information
- Support community engagement and outreach
- Support marketing and promotional campaigns
- Frame the public conversation around the ULA
- Assist with recruitment efforts

Please be aware that when engaging with this agency through social media, you agree to the following:

Moderation of Third-Party Content

The agency does not endorse, support, sanction, encourage, verify, or agree with third-party comments, messages, posts, opinions, advertisements, videos, promoted content, external hyperlinks, linked websites (or the information, products, or services contained therein), statements, commercial products, processes, or services posted on any social media site.

This agency social media site serves as a limited public forum, and all content published is subject to preservation and disclosure in accordance with GRAMA. User-generated posts may be rejected or removed if the content:

- Contains obscenity or bullying
- Incites or promotes violence or illegal activities
- Contains spam or links to malware
- Promotes illegal discrimination (e.g., housing discrimination)
- Contains actual defamation

- Uses the copyrighted work of another

We do not allow information intended to compromise the safety or security of the public or public systems. You participate at your own risk, taking personal responsibility for your comments, your username, and any information provided.

Retention

Any communications sent to or received by the ULA and its employees via social media may be subject to our retention and disclosure requirements. We are required to comply with GRAMA to ensure government is open and that the public has access to public records and information of which our agency is the custodian. These retention requirements apply regardless of the form of the record (e.g., digital text, photos, audio, and video). To that end, we automatically collect and store all information posted on this agency's social media site. All information posted on this site may be subject to public disclosure under GRAMA, even if it has been deleted. The ULA shall preserve records pursuant to a relevant records retention schedule.

Emergency Postings

Social media sites are not monitored 24/7. If there is an emergency, contact 911.

GENERAL POLICIES

DISTRICT BOARD MEMBER TRAINING POLICY

All Utah Lake Authority (ULA) Governing Board members are required to complete the District Board Members Training provided by the Utah Office of the State Auditor at least once every 4 years.

The training is available online at the following link:

<http://training.auditor.utah.gov/collections>. The required course is titled "District Board Members Training (YYYY)" with the "YYYY" herein representing whichever year is the current year training.

ULA Governing Board members must provide proof of completion of this training upon request.

ETHICS POLICY

ULA staff desire to protect, enhance, and promote Utah Lake as a public resource. In order to pursue these activities in a legal and ethical manner, all employees of the ULA will be held to a higher standard of ethical behavior. This includes, but is not limited to, the following list of behaviors.

Employees of the ULA will:

- Conduct themselves professionally, with the highest level of integrity
- Accurately represent material facts in their business dealings
- Comply with all applicable local, state, and federal laws
- Always seek the counsel of professionals for any issue in which they are not well-versed
- Complete their own due diligence in all business dealings and encourage others to do the same
- Not place themselves in such a position where their interests may be in conflict, or appear to be in conflict, with the good of the ULA
- Not make any unauthorized representations to the public, press, or media with regards to the ULA's position on any matter without the approval of the Executive Director or ULA Chair
- Promote the ULA in its positive image within the community and aid and assist in its growth

- Not use the ULA logo or other identification material or slogans in any manner outside of normal work duties without the express written permission of the Executive Director

Those who want the ULA to act against an employee for what they perceive to be unethical behavior must present their case to the Governing Board. The Governing Board may then impose disciplinary action if and how it sees fit.

To reach the state's fraud hotline to leave anonymous information regarding possible incidents of fraud, 7 days a week, 24 hours per day, call (800) 955-2210.

I, _____ agree to abide by the above listed guidelines for the duration of my employment with the ULA.

Signature

Date

PERSONAL USE OF UTAH LAKE AUTHORITY OFFICE EQUIPMENT

Management at the ULA may permit employees to make limited personal use of ULA office equipment, provided such use does not reduce or otherwise adversely affect the employee's productivity during work hours and does not interfere with the mission or operations of the ULA.

The office equipment governed by this policy includes, but is not limited to, personal computers, peripherals such as printers, computer software, photography and videography equipment, consumable office products, office supplies, removable media, library resources, Internet connectivity, and email. Use of ULA information resources constitutes permission to monitor that use.

Limited personal use of ULA office equipment, including information technology, means occasional use that meets the following criteria:

- Is of limited duration, length, or size and does not interfere with employees' official duties or the transaction of official ULA business
- Results in only minimal, if any, additional expense to the ULA or minimal wear and tear on ULA office equipment: uses a small amount of data storage, has only a small-to-moderate transmission impact, or requires only small amounts of consumable office

products (e.g., ink, paper, toner, and computer memory)

Some examples of limited personal use are:

- Making a few photocopies
- Making occasional, brief telephone calls that result in little or no cost
- Sending a brief personal email from your ULA account
- Doing a brief Internet search
- Taking the office camera for occasional use

Limited personal use of ULA office equipment, including information technology, must not:

- Reduce employee productivity or interfere with official ULA business (e.g., congest, delay, or disrupt any ULA system or equipment)
- Be for any illegal purpose, including, but not limited to, gaining unauthorized access to other systems, disseminating any discriminatory or hate-based materials or speech, or reproducing or distributing copyrighted, trademarked, proprietary, or export-controlled data or software
- Be in relation to sexually explicit or sexually illicit materials
- Be for the purpose of fundraising, endorsing any product or service, lobbying, or participating in any prohibited partisan political activity
- Result in the disclosure of any ULA information that is not otherwise public

Use of ULA office equipment in violation or excess of the limited personal use permitted by this policy may result in limitations on future use, administrative action, criminal penalty, and personal financial liability.

For advice on how to avoid violating this policy, please speak with the Executive Director.

TECHNOLOGY SECURITY POLICY

The ULA supports secure network systems, including security for all personally identifiable information that is stored on paper or digitally on ULA computers and networks. The ULA mitigates data threats that may harm the agency or agency staff. The ULA will make reasonable efforts to maintain network security, understanding that data loss can be caused by human error, hardware malfunction, or natural disaster and may not be preventable.

When an employee or other user becomes aware of suspicious communication or unauthorized use of data, they will immediately contact the ULA Information Security Officer (Executive Director).

Procedures

Security Responsibility

The ULA shall appoint, in writing, an Information Security Officer responsible for overseeing data security to include development of policies and adherence to the standards defined in this document.

Training

The ULA shall ensure that all employees with access to sensitive information undergo an annual review of this policy, which emphasizes their personal responsibility for protecting agency and employee information.

Physical Security

The ULA will ensure that any user's computer is not left unattended and unlocked, especially when logged into sensitive systems or data. Users will set up automatic log off and will protect devices with strong passwords to enforce this requirement.

The ULA will ensure that all equipment that contains sensitive information will be secured to deter theft.

The ULA will ensure that agency offices are kept locked, with access only by authorized personnel when ULA staff are not present in the offices.

Network Security

The ULA shall ensure that all agency wireless networks are password protected. If an employee will be working from home, their wireless network is required to be password protected.

No wireless access point shall be installed on the ULA's computer network that does not conform to current network standards.

Access Control

The ULA will enforce strong password management for employees.

ULA staff will not share information system passwords with anyone. All passwords are to be treated as sensitive, confidential information.

If a situation arises where access to information, documents, etc. is needed in a timeline or manner that requires voluntary sharing of passwords in order to ensure continuity of business in a timely manner, an employee may share their password vocally. As soon as feasible afterward, the password shared should be changed to ensure protection of information.

Do not insert information system passwords into email messages or other forms of electronic communication.

Any user suspecting that their password may have been compromised must report the incident and change all passwords.

The ULA will ensure that user access to information systems be limited to only those specific access requirements necessary to perform their jobs and that access to information systems is terminated and agency-owned devices are returned when an employee leaves the agency.

Malicious Software

The ULA shall install, distribute, and maintain spyware and virus protection software on agency-owned equipment (i.e., desktop computers and laptops).

Security Audit and Remediation

The ULA shall perform routine security and privacy audits as needed.

Employee Disciplinary Actions

Any employee found to be in violation of the ULA's technology security plan or non-disclosure agreement may be subject to disciplinary action up to and including termination of employment with the ULA.

UNAPPROVED

**THE UTAH LAKE AUTHORITY
REGULARLY HELD MEETING**

September 20, 2023, at 9:00 AM–11:00 AM

AGENDA

ATTENDEES:

Julie Fullmer, Vineyard, Chair
Eric Ellis, Utah Lake Authority
Curtis Blair, Utah Valley Chamber
John Mackey, DWQ
Ben Stireman, FFSL
Kamron Dalton, GO UTAH
Hilary Hungerford, UVU
Mark Johnson, Lehi
Terry Peterson, Orem
Michelle Kaufusi, Provo
Chris Carn, Saratoga Springs
Tom Sakievich, Utah County
Mike McKell, Utah Senate

BOARD MEMBERS ABSENT:

Marty Larson, Genola
Carolyn Lundberg, Lindon
Brady Brammer, Utah House

VISITORS:

Isaac Paxman, Provo
Wade Tuft, ULWUA
Levi Smith
Gary Cannon, ULWUA
Rich Mickelsen, TSSD
Scott Daly, DWQ
Addy Valdez, ULA
Soren Simonsen, JRC
Jackie Larson, 7 Bard Farming
Dave Epstein, Jacobs
Richard Foggio
Renn Lambert
Sullivan Love
Teri Harman
Jodi Garberg, DWQ
Cindy Gabler
iPhone
FOX 13 News
Soren Simonsen
Keith Hambrecht

Presiding Board Member: Chair Julie Fullmer

Vice Chair: Michelle Kaufusi

UTAH BOARD REGULAR SESSION

1. WELCOME & CALL TO ORDER/INSPIRATIONAL THOUGHT – *Chair Julie Fullmer*

a. The meeting started at 9:00am

2. CHAIR AND BOARD MEMBERS' REPORTS/DISCLOSURES/RECUSALS

(2- minutes each)

3. STAFF AND COMMITTEE REPORTS

3.1 Executive Director Eric Ellis – Project updates

Executive Director Eric Ellis began the meeting by expressing his gratitude to the attendees. He announced several important topics to discuss in preparation for the upcoming meeting.

He shared that they had completed a 35 to 37-page calls and procedures manual, which had been updated in collaboration with the Utah Commission and reviewed by Paula, their attorney general. This document served as their current guidance and would be officially adopted at the next meeting, allowing attendees time to review it in advance.

He mentioned that the Comprehensive Management plan was now complete and in its final stages of review, with a 30-day public comment period set to occur before the next meeting. The plan would be ready for adoption at that time.

He outlined several topics, including the branding package, the Marina and Shoreline Enhancement Grant, legislative funding for algae treatments, and geotechnical matters. He introduced Jenna Ahern, who would discuss the branding package, highlighting the letterhead, business cards, and envelopes that had been designed to create a cohesive brand identity.

He provided an overview of the Marina and Shoreline Enhancement Grant, mentioning that last year's legislature had allocated \$5 million for Utah Lake enhancements. Some of this funding would be used to acquire property, while the rest would be distributed as grants for shoreline projects. These grants aimed to support various master plan projects and leverage additional funding. He encouraged attendees to review the grant document and consider submitting proposals by the mid-October deadline.

A discussion ensued regarding the award process for a reimbursement-style grant.

Eric Ellis explained that the grant evaluation involved a four-person ranking committee. He elaborated on the ranking criteria, which were weighted, and how points were assigned and averaged to determine successful projects. They expected multiple awardees, with the possibility of granting portions of the requested funds to various projects that aligned with the group's interests.

Additionally, he noted that the Utah Lake Watershed Council had been formed, and a tour had taken place, starting with a visit to the north end of Utah Lake. Rich Mickelson chaired the group, and the tour covered various locations, including the Timpanogos Special Service District. Eric highlighted the studies being conducted by LINO grows on the north end of the lake. The group then proceeded south to Sandy Beach, where discussions about water quantity and quality issues took place among experts from different organizations.

He briefly mentioned the upcoming legislative session and the need for funding for projects related to marina upgrades, access enhancement, water quality, and Nature Center facilities. He encouraged support from legislators in securing funding for these projects.

Aqua Technics worked on algae mitigation at Utah Lake State Park and Lindon Marinas. Both marinas were reportedly below the recreational advisory threshold, indicating their safe use. Eric acknowledged that algae treatments were a temporary solution, and efforts were underway to find more long-term solutions to water quality and algae bloom issues.

Finally, he provided an update on the Walkara Way project, mentioning geotechnical surveys conducted to assess ground conditions for trailhead areas and segments, including a bridge location over the horn effluent. He concluded by opening the floor for any additional updates or questions.

A Board Member (Ben) stated that discussions had taken place with the Bureau of Reclamation to assess the progress of the land donation process to the Forestry Garden State Lands. He indicated that things were progressing well, but it was expected to take longer than initially anticipated, possibly extending to six months to a year, rather than concluding

by the end of the current year. Additionally, meetings had been held with the family involved in the donation to address stipulations and ensure a smooth transition, with a focus on avoiding any potential litigation and ensuring everyone was aligned in their intentions.

Eric Ellis added that they were currently looking into initiating the Forum trailhead and a short trail segment leading to the river. He emphasized that this trail would be a valuable feature and a good starting point for the project, allowing them to move forward with the overall project once property-related matters were finalized.

3.2 Addy Valdez – Conservation and Restoration Efforts

Addy Valdez provided an update on her recent activities and projects. She had been engaged in project work during late summer and early fall, gradually transitioning into her role and establishing partnerships. One of her key projects for the coming year was a significant re-vegetation effort focused on shoreline areas. She highlighted their collaboration with various agencies, including Utah Forestry, Fire & State Lands, and UVU. The project aimed to reintroduce native vegetation to the shoreline, starting on a small scale. They had ordered over 10,000 tree plugs and a substantial quantity of seeds for planting in the upcoming season. The plan included Earth Day and other related events to engage volunteers and promote educational opportunities. Keith Hambrecht would assist in using GIS data to identify suitable locations, primarily in the northern half of Utah Lake, including areas like Saratoga Springs and American Fork, which had shown successful treatments in recent years. She emphasized the role of UVU in collecting local seeds and mentioned ongoing seed collection efforts in locations such as Vineyard, Hobble Creek, and Powell Slough. UVU's greenhouse management field classes were instrumental in growing these seeds over the winter and early spring, intending to plant approximately 1,200 native plants next year.

She also reported being awarded 200 to 250 pollinator plants for the Utah Pollinator Habitat Program, which would be planted in the Delta project with the help of volunteers from UVU classes and other volunteers. Addy highlighted the importance of supporting pollinators and restoring wetlands.

She was involved in a grant for mission-related work with June suckers, where she assisted in tagging larva suckers to monitor their development. She noted that the DWR had successfully located them in Hobble Creek and explained the tagging process.

Addy concluded her update by mentioning that they were transitioning from fieldwork to report writing and expressed her enthusiasm for the exciting projects and ideas they had explored over the past few months. She welcomed any questions or discussions from the attendees.

3.3 Jenna Ahern – Communications and Outreach

Jenna Ahern provided an update on the organization's social media efforts. She mentioned efforts to create more content and maintain a consistent posting schedule. Jenna highlighted a successful post in which she and Addy collaborated, featuring a video zooming in on Addy examining a substance in the water and a poll asking if it was algae. This post received substantial engagement, reaching over 7,000 accounts and over 2,000 nonfollowers. The survey within the post garnered 620 responses, 253 likes and 14 shares. She discussed the continuation of their "Ask Addy" segment, where they addressed questions related to the lake, plants, wildlife, and water quality, which had received positive feedback from their social media audience.

Additionally, she had been developing a social media policy to guide interactions with commenters and residents and ensure consistency in posting and content retention. She also mentioned the upcoming launch of the organization's brand, with final reviews completed,

which would be integrated into the website and marketing materials. This brand identity would help establish a recognizable and consistent image for the Utah Lake Authority across all platforms.

Finally, she shared their collaboration with BYU interns from various disciplines working on marketing plans for different events and general marketing initiatives. One intern specializing in geospatial engineering would create a story map for the site. Additionally, updates to the website's layout, design, and colors were in progress.

3.4 Sam Braegger – Events and Engagement

Sam Braegger discussed several events and programs. He mentioned the upcoming Colleague Symposium, which was mandated by their management plan to promote collaboration with resource managers, policymakers, and scientists to enhance Utah Lake based on the latest research. The event was scheduled for October 17, with invitations sent out initially to a select group and later opened to the public.

He also mentioned the Life Jacket Owner Program, which involved building a new life jacket station at Access Point Mill Race, thanks to a grant from Utah County State Kids and the Utah Drowning Prevention Coalition. More stations were planned for the future, including one at Sandy Beach.

He introduced a new volunteer stationed at American Fork Harbor to help maintain and monitor life jacket stations. He expressed the need for additional volunteers for this program.

Sam highlighted the upcoming fourth-grade fall field trips, which would host 700 fourth graders from six elementary schools for educational presentations on water safety, conservation, and more. He thanked the agencies involved for their support.

Lastly, He discussed the annual scavenger hunt, a digital event with over 150 missions related to Utah Lake. Participants could win prizes, including inflatable paddle boards. The event aimed to educate participants about the lake and its various aspects while having fun. Registration was open, and the event would run for about nine to ten days. He emphasized the positive feedback they received from participants in previous years.

The Board requested that he share the marketing materials related to an event.

Sam Braeger responded affirmatively, expressing a willingness to share the materials with partners and the city. He emphasized that the event was well-received, and no further questions or topics were discussed.

4. CONSENT ITEMS

[4.1 Approval of the July 19, 2023, ULA Board Meeting Minutes and August 14, 2023 Work Session Minutes](#)

[4.2 Review and approve July-August Monthly ULA Budget Report](#)

Motion to approve consent items 4.1 and 4.2.

Chris Carn motioned to approve the consent items. Seconded by Kamron Dalton. The motion was approved unanimously.

5. PRESENTATIONS/RECOGNITIONS/AWARDS *(5- minutes each)*

5.1 Trail and Constructed Wetland – Timpanogos Special Service District

Richard Mickelson, District Manager of the Special Service District, provided a presentation on their wastewater treatment plant expansion efforts. He mentioned that they face challenges in expanding treatment capacity due to the increasing demand in northern Utah County. Their expansion plans also involve mitigating wetlands and coordinating with various agencies, including the Division of Water Quality, Forest Service, State Lands, Army Corps of Engineers, County Commissioners, and member cities.

The presentation focused on the trail system they plan to build, which extends from Lindon Marina to American Fork Harbor. This trail will include sections for mitigating phragmites, using engineering solutions to control phragmites instead of pesticides. They also discussed plans for pump stations to accommodate the anticipated growth in the west side of their service area. Utah County is involved in the trail project and prefers an asphalt path, although they are open to donations for upgrades. They also plan to include boardwalks to mitigate wetland impacts and observatory towers for bird-watching.

The timeline for construction is expected to start next year, pending agreement approvals from relevant agencies. He expressed determination to move the project forward. There were no questions or further discussion at the end of the presentation.

5.2 U LWQS Science Panel Update – John Mackey/Scott Daly DWQ

Scott Daly, a water scientist from the Division of Water Quality, provided an update during the meeting on the ongoing public water quality study concerning Utah Lake. The presentation included information on the study's progress, nutrient criteria development, and implementation planning.

The study began in 2015 and progressed through various phases, including data gathering and nutrient criteria development. A strategic research plan was developed to address the lake's water quality questions. Several research projects were commissioned to gather data, including historical conditions, nutrient limitation, phosphorus binding in the lake, sediment recycling, and water quality modeling. The study revealed significant changes in Utah Lake over time, including shifts in diatom communities, increased cyanobacteria, and the accumulation of nutrients. These changes were attributed to various factors, including the introduction of carp in the 1850s and population growth in the watershed. Criteria development involved multiple lines of evidence, including historical data, modeling, statistical analysis, and reviewing literature from other lakes. The goal was to establish water quality standards that would help guide management efforts for Utah Lake. When determining these standards, the steering committee overseeing this process considered factors such as effectiveness, practicality, cost-effectiveness, and adaptability. Implementation planning was critical, and the steering committee developed an implementation framework to guide their efforts. The framework included considerations for partnerships, watershed understanding, source identification, management strategies, permitting approaches, and resource allocation. Specific strategies were outlined for addressing nutrient sources and improving the lake's ecosystem.

Overall, the study aimed to provide insights into the water quality of Utah Lake, identify the sources of nutrient pollution, and propose practical strategies for its improvement. The steering committee was actively working on the implementation plan, and further progress was expected in the coming months.

Chair Julie Fullmer welcomed questions from the attendees.

Board Members raised concerns about the water levels in Provo Bay, specifically regarding the potential harm associated with maintaining consistently high water levels versus allowing

fluctuations. They inquired about the benefits of removing sediments to create a core dam system in the lake. They asked questions about the possibility of reestablishing vegetation and nutrients.

Scott Daly acknowledged the importance of evaluating these scenarios but couldn't provide a definitive answer without further assessment. He emphasized the need to consider factors like maintaining consistent water levels and the potential benefits of having more water instead of less. He explained that Provo Bay had relatively high sediment levels, making it a possible target for sediment removal. He also mentioned the need to assess the effectiveness and costs of various strategies, including sediment removal and the creation of artificial wetlands. Additionally, he explained that introducing macrophytes, a type of aquatic vegetation, could help in nutrient management. However, he pointed out that the success of this strategy depended on having sufficient macrophytes and managing turbidity levels in the water.

There were concerns about assessing the impact of multiple changes and variables simultaneously.

Eric Ellis highlighted that most proposed implementation tactics and strategies had already undergone testing and implementation elsewhere, reducing the likelihood of introducing entirely new and unpredictable factors.

Scott Daly emphasized the importance of using multiple lines of evidence to attribute changes to specific practices. He also acknowledged that some questions, such as the relationship between removing carp and planting more macrophytes, had been challenging to answer. He noted that cost and scale were significant, especially in large-scale projects like carp removal or sediment management. He stressed that evaluating the cost-effectiveness of various approaches was crucial.

6. CLOSED SESSION

There was not a closed session.

7. PUBLIC COMMENTS

Chair Julie Fullmer opened the meeting for public comment.

Wade Tuft introduced himself as the Water Supply Manager for the Jordan Valley Water Conservancy District and also the President and Chairman of the Utah Lake Water Users Association. He expressed their willingness to collaborate with the group and extend support to initiatives to improve and enhance Utah Lake. The Utah Lake Water Users Association, representing the lake's northern end, emphasized their significant vested interest in the water of Utah Lake. He specifically mentioned their ownership of the pump station and control gates responsible for regulating water outflow from Utah Lake. These facilities primarily serve the irrigation needs of five major canal companies in Salt Lake County. Before 2011, their collective route was the Border Canals, consisting of the East Jordan, Jordan, Salt Lake Distributing Canal, Utah, Salt Lake, and the South Jordan Canal companies. Subsequently, additional entities such as the Metropolitan Water District of Salt Lake, Sandy Jordan Valley Water Conservancy District, and Salt Lake City Public Facilities became associated with the Utah Lake Water Users Association. He expressed their readiness to collaborate with the committee and provide support as needed.

8. ADJOURNMENT

Motion to adjourn.

Michelle Kaufusi motioned to adjourn the meeting. Seconded by Tom Sakievich. The meeting was adjourned.

- a. The meeting was adjourned at 10:15am.

