

**PEOA RECREATION SPECIAL SERVICE DISTRICT
GOVERNANCE ORDINANCE
SUMMIT COUNTY, STATE OF UTAH
ORDINANCE NO. 327**

PREAMBLE

WHEREAS, pursuant to State law, the Board of Commissioners of Summit County (the "Commission") adopted Resolution No. 97-26 providing a Notice of Intention to establish the Peoa Recreation Special Service District on September 15, 1997, and Resolution No. 98-05 creating the Peoa Recreation Special Service District on May 11, 1998; and,

WHEREAS, the owners and residents of property within the District are willing to operate the services of the District, and the interests of Summit County and the owners and residents of property within the Peoa Recreation Special Service District will best be served through utilization of an Administrative Control Board for governing the affairs of the District.

NOW, THEREFORE, the Board of County Commissioners of the County of Summit,
State of Utah, ordains as follows:

00506651 Bk01144 Pg00471-00475
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 MAY 12 10:14 AM FEE \$1.00 BY DMG
REQUEST: SUMMIT COUNTY CLERK

1. Definitions.
 - (a) The term "Commission" means the Board of Commissioners of Summit County.
 - (b) The term "District" means the Peoa Recreation Special Service District.
 - (c) The term "Board" means the Peoa Recreation Special Service District Administrative Control Board.
 - (d) The term "Owners" means the owners of property within the boundaries of the Peoa Recreation Special Service District.
 - (e) The term "County" means Summit County, Utah.
 - (f) The term "Governing Board" means the Board of Commissioners of Summit County, otherwise referred to as the "Commission."

2. There is hereby established an Administrative Control Board which shall govern, in accordance with State law, the affairs of the Peoa Recreation Special Service District.

3. The Governing Board hereby delegates to the Board all rights, powers, authority and duties as provided for in U.C.A. 17A-2-1314 & 1326, 1953, as amended, and any other such rights, powers, authority, and duties of special service districts as provided by State law to effectuate the governance of the Peoa Recreation Special Service District.

4. The Board will be comprised of at least three (3), but no more than seven (7) persons, each of whom is a qualified elector of the District.

5. After the expiration of the terms of office of the board members appointed by this Ordinance, the members of the board shall be elected in accordance with State law. Compensation of the board members shall be set, from time to time, by resolution of the Board.

6. The term of office for each board member shall be four years with the first officers serving staggered terms of two, three, or four years.

7. It shall be the duty of the Board to prepare an annual budget for the Peoa Recreation Special Service District which will conform to the Uniform Fiscal Procedures Act for Special Districts, and recommend the budget so prepared to the Commission.

8. The Board shall conduct its business according to by-laws which it shall adopt, with the board meeting as needed to act on the business of the District. The by-laws may be amended from time to time by a majority vote of the Board.

9. The Peoa Recreation Special Service District shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil or criminal, administrative or investigative, by reason of the

fact that he or she is or was a director, officer, employee, or agent of Peoa Recreation Special Service District. The indemnification shall be for all expenses (including attorneys' fees), judgments, fines, and amount paid in settlement, actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, including any appeal of the action, suit or proceeding, if he or she acted in good faith or in a manner he or she reasonably believed to be in and not opposed to the best interests of Peoa Recreation Special Service District, and with respect to any criminal action or proceeding, if he or she had no reasonable cause to believe the conduct was unlawful.

Determination of any action, suit, or proceeding by judgment, order, settlement, conviction or on a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the party did not meet the applicable standard of conduct. Indemnification under this article may be paid by Peoa Recreation Special Service District in advance of the final disposition of any action, suit, or proceeding, on a preliminary determination that the director, officer, employee, or agent met the applicable standard of conduct and on receipt of an undertaking by or on behalf of the director, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by Peoa Recreation Special Service District as authorized in this section.

Peoa Recreation Special Service District shall also indemnify any director, officer, employee, or agent who has been successful on the merits or otherwise, in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter in the action, suit, or proceeding, against all expenses, including attorneys' fees, actually and reasonably incurred,

without the necessity of an independent determination that the director, officer, employee, or agent met any appropriate standard of conduct.

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

10. Peoa Recreation Special Service District shall have power to purchase and maintain insurance on behalf of any person who is a director, officer, employee, or agent of Peoa Recreation Special Service District against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not Peoa Recreation Special Service District would have authority to indemnify him or her against the liability under the provisions of these articles, or under law.

11. The Board of County Commissioners of Summit County, as the governing authority of the County, has control and supervisory authority over all activities of the District and may delegate or withdraw such powers and authority to the Board as provided by State law.

12. The first Administrative Control Board after adoption of this Ordinance shall consist of five persons who shall be appointed by Resolution of the Commission to the following terms:

	<u>Term Expires</u>
1.	December 31, 2000
2.	December 31, 2000
3.	December 31, 2001
4.	December 31, 2002
5.	December 31, 2002

13. The Board will elect a Chairman, Vice Chairman, and Secretary from members of the Board.

14. In order to preserve the peace, health, or safety of the County and the inhabitants thereof, this Ordinance shall take effect immediately upon publication in a newspaper published in and having general circulation in the County.

Adopted this 11 day of May, 1998.

ATTEST:

Board of Summit County Commissioners



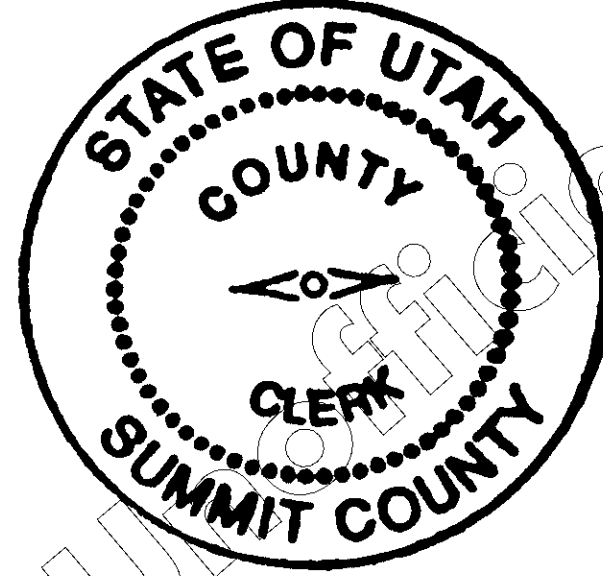
Kent Jones
Summit County Clerk



Chairman

VOTING OF COMMISSIONERS:

Commissioner Soter Absent
Commissioner Schifferli Aye
Commissioner Richins Aye



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