

FRUITLAND SPECIAL SERVICE DISTRICT

RESOLUTION NO. 2025-A5

A RESOLUTION AUTHORIZING THE DISTRICT MANAGER TO UTILIZE THE DISTRICT CLERK TO PERFORM ADMINISTRATIVE AND OPERATIONAL DUTIES TYPICALLY ASSOCIATED WITH THE DISTRICT MANAGER UNDER THE SUPERVISION OF THE BOARD CHAIR

WHEREAS, Section 2.2.1 of the *Fruitland Special Service District Amended and Restated Operating Regulations and Bylaws* (hereinafter "Bylaws") grants power to the Board to "exercise all powers and duties in the operation of the properties of the District as are ordinarily exercised by the governing body of a political subdivision, and has the final responsibility and authority in the administration of the affairs of the District, to the extent permitted by law. (U.C.A. § 17A-1-301.); and

WHEREAS, Section 3.2.1 of the Bylaws provides that *"until such time as the Board elects by a majority vote of its full membership to hire an employee to serve as the District Manager, the Chair shall perform the duties of the District Manager"*; and

WHEREAS, the Board has not hired an employee to be the District Manager, and as such, this office is currently performed by the District Chair; and

WHEREAS, the responsibilities of the District Manager are set forth in Section 3.3 with the overarching obligation to follow Board direction as set forth in 2.1.3: "The District Manager and the subordinate officers and employees will execute the will of the Board as expressed by Board policy and direction."

WHEREAS, the District Manager is not a full-time employee of the District, and as such, must rely on the District Clerk, who is a full-time employee, to aid and assist the District Manager in his/her obligations and duties to efficiently manage the District's day-to-day operations; and

WHEREAS, the Board finds it necessary to exercise its powers of administration to direct the District Manager to use the District Clerk to help and assist the District Manager in meeting his/her obligations and duties to the fullest extent possible; and

WHEREAS, the Board further directs and grants power to the District Manager to delegate certain duties and responsibilities to the District Clerk as long as these delegated duties are conducted under the supervision of the District Manager, with final review and say being retained by the District Manager; and

WHEREAS, the duties that may be delegated by the District Manager include all administrative, financial, and operational duties necessary for the effective management of District business, including preparation of budgets and reports, coordination with engineers, attorneys, and state agencies, and oversight of projects and operations; and

WHEREAS, the Board of Trustees finds it necessary and beneficial to formally authorize the District Clerk to perform administrative and operational duties typically associated with the District Manager, under the direction and supervision of the Board Chair, to ensure continuity of District operations and compliance with Utah law;

WHEREAS, the Utah Office of the State Auditor recognizes that in small or rural districts it is permissible for the Board to delegate certain operational and managerial duties to an existing employee, provided that the governing body retains oversight and the delegation is formally documented by motion or resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE FRUITLAND SPECIAL SERVICE DISTRICT AS FOLLOWS:

1. Delegation of Duties.

The Board hereby authorizes the Board Chair, acting in his/her capacity as the District Manager, to utilize the District Clerk to aid the District Manager in his/her duties to the fullest extent permissible by law. This authorization includes the power of the District Manager to delegate administrative, operational, and management duties customarily associated with the District Manager position, as enumerated in Section 3.3 of the District Bylaws, to the District Clerk so long as all delegated duties are conducted under the supervision and general direction of the District Manager/Board Chair.

2. Title and Oversight.

The District Clerk shall retain the official title of *District Clerk* and shall not be deemed to be simultaneously serving as *District Manager* within the meaning of Section 3.5.1 of the Bylaws. The District Manager/Board Chair shall retain ultimate managerial authority and oversight of all actions taken under this authorization.

3. Statutory Basis.

This delegation is made pursuant to Utah Code § 17D-1-301, et. al. and section 2.2.1 of the District Bylaws, and shall not be construed as dual-office holding prohibited by Section 3.5.1 of the District's Bylaws.

4. Budget and Financial Functions.

The District Clerk may assist the District Manager/ Board Chair in carrying out all financial and budgetary duties of the Budget Officer as described in Utah Code § 17B-1-607 and Section 5.1.1 of the Bylaws, provided all expenditures remain subject to Board approval.

5. Annual Review.

The Board shall review this delegation annually, or upon the hiring of a District Manager, whichever occurs first, and may modify or rescind this resolution at any time by motion or subsequent resolution.

6. Effective Date.

This Resolution shall take effect immediately upon passage and approval by a majority vote of the Board of Trustees.

PASSED, APPROVED, AND ADOPTED this 13 day of November, 2025, by the Board of Trustees of the Fruitland Special Service District.

BOARD OF TRUSTEES:

Vicki Savage, Chairperson

Bartley Morrill, Trustee

Michael Scheetz, Trustee

Michael Wilkerson, Trustee

ATTEST:

Judy Wilkerson, District Clerk

