

AGENDA ITEM # VI.

Five County Association of Governments

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***** M E M O R A N D U M *****

TO: Bryan Thiriot, Executive Director

FROM: *YOS* Gary O. Zabriskie, Director of Community and Economic Development

SUBJECT: Nomination to Governor Herbert for Utah Permanent Community Impact Fund Board

DATE: March 4, 2014

As per Utah Code Section 35A-8-304, which specifies the membership of the Utah Permanent Community Impact Fund Board, the Five County Association of Governments has a representative member serving on that Board.

After nomination by the Steering Committee in 2012, Commissioner Denny Drake was appointed by Governor Herbert to serve a full four-year term on as the Five County Association of Government's representative on the Utah Permanent Community Impact Fund Board. Commissioner drake was earlier appointed to fill the remaining portion of Maloy Dodd's unexpired term.

Commissioner Drake has informed the Impact Fund Board staff that the April 3, 2014 Board meeting will be his last meeting. The Steering Committee needs to nominate and recommend to the Governor a representative to serve on the Permanent Community Impact Board for the remainder of Commissioner Drake's unexpired term which will expire at the end of June 2016.

Please ensure that this matter is placed on the agenda for Steering Committee action at their March 12, 2014 meeting so that their nomination to the Governor may occur in a timely manner.

Attached is a copy of Section 35A-8-304 of the Utah Code.

BEAVER

GARFIELD

IRON

KANE

WASHINGTON

AGENDA ITEM # VI. (Continued)

35A-8-304. Permanent Community Impact Fund Board created -- Members -- Terms -- Chair -- Expenses.

(1) There is created within the department the Permanent Community Impact Fund Board composed of 11 members as follows:

- (a) the chair of the Board of Water Resources or the chair's designee;
- (b) the chair of the Water Quality Board or the chair's designee;
- (c) the director of the department or the director's designee;
- (d) the state treasurer;
- (e) the chair of the Transportation Commission or the chair's designee;
- (f) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
- (g) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or Wayne County;
- (h) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
- (i) **a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane County; and**
- (j) a locally elected official from each of the two counties that produced the most mineral lease money during the previous four-year period, prior to the term of appointment, as determined by the department.

(2) (a) The members specified under Subsections (1)(f) through (j) may not reside in the same county and shall be:

(i) nominated by the Board of Directors of the Southeastern Association of Governments, Central Utah Association of Governments, Uintah Basin Association of Governments, and Southwestern Association of Governments, respectively, except that a member under Subsection (1)(j) shall be nominated by the Board of Directors of the Association of Governments from the region of the state in which the county is located; and

(ii) appointed by the governor with the consent of the Senate.

(b) Except as required by Subsection (2)(c), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) The terms of office for the members of the impact board specified under Subsections (1)(a) through (1)(e) shall run concurrently with the terms of office for the councils, boards, committees, commission, departments, or offices from which the members come.

(4) The executive director of the department, or the executive director's designee, is the chair of the impact board.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 212, 2012 General Session