COPPERTON METRO TOWNSHIP COUNCIL
ORDINANCE # 2019-09-02
September 30, 2019

AN ORDINANCE REVISING CHAPTER 2.38 OF THE COPPERTON METRO TOWNSHIP CODE TO ESTABLISH TERM LIMITS FOR MEMBERS OF THE BINGHAM CEMETERY BOARD, TO APPROVE A PER DIEM FOR BOARD MEMBERS, AND TO ENACT OTHER ADMINISTRATIVE PROVISIONS REGARDING THE BOARD'S OPERATIONS

WHEREAS, on April 5, 2017, the Copperton Metro Township Council (the "**Council**") adopted ordinance #17-04-01, establishing the Bingham Cemetery Board (the "**Board**") to manage the operations of the Bingham Cemetery subject to the Council's oversight; and

WHEREAS, the Council desires to amend Chapter 2.38 to: (1) establish terms for Board members; (2) authorize a per diem and the reimbursement of expenses for Board members; and (3) to enact other administrative changes regarding the Board's operations.

NOW, THEREFORE BE IT RESOLVED BY THE COPPERTON METRO TOWNSHIP COUNCIL AS FOLLOWS:

1. **SECTION 1 (Repeal and Replace).** Chapter 2.38 is repealed in its entirety and replaced as follows:

2.38.010 – Establishment of Bingham Cemetery Board of Trustees

The Bingham Cemetery Board of Trustees is established pursuant to this Chapter with authority to manage and operate the Bingham Cemetery under the direction of the Council.

2.38.020 – Definitions

The following definitions shall apply for the purposes of this Chapter:

A. "Board" means the Bingham Cemetery Board of Trustees.

B. "Cemetery" means the Bingham Cemetery.

C. "Council" means the Copperton Metro Township Council.

D. "Escrow Fund" means the escrow fund established by the Council for the maintenance and operation of the Cemetery.

E. "Large Expenditure" means any expenditure of the Board of two-thousand-and-one dollars ($2,001) or greater for day-to-day operations and maintenance of the Cemetery.

F. "Small Expenditures" means any expenditure of the Board up to two-thousand dollars ($2,000) for day-to-day operations and maintenance for the Cemetery.

2.38.030 – Appointment – Term

The Board shall consist of three (3) residents of the Copperton Metro Township appointed by the Council. One of the Board members shall be a member of the Council. Board members shall serve three -year terms or longer until successors are appointed. Terms shall commence on January 1 of each year, provided that the terms of the Board members must be staggered. If a Board member's term expires before a successor is appointed, the member shall continue to serve until the Council appoints a successor. The Council may, in its discretion, remove and replace Board members at any time by resolution.

2.38.040 – Chair

The Council member appointed to the Bingham Cemetery Board of Trustees shall:

1. *Chair the Board and preside over Board meetings;*

2. *Act as a liaison between the Council and the Board in all matters involving the Cemetery;*

3. *Act on behalf of the Council in reviewing and approving Small Expenditures; and*

4. *Act on behalf of the Board in submitting to the Council for payment Large Expenditures that the Board may incur.*

2.38.050 – Vice-Chair

The Board may elect a vice-chair from its members to preside over meetings or serve as Chair Pro Tem *in the Chair's absence. The Board may create and fill any other offices it deems necessary and may adopt policies and procedures it considers necessary for its proper function in accordance with applicable state law and Copperton Metro Township ordinance or procedure.*

2.38.060 – Compensation

The Council may, by resolution, fix per diem compensation for the members of the Board based on meetings actually attended. Board members may also request reimbursement for reasonable expenses incurred while acting in their official capacity by submitting their documented expenses to the Council for review and approval. The Council shall have full discretion to grant, deny, or modify reimbursement requests.

2.38.070 – Rules of Order and Procedure

The Board shall conduct its meetings in accordance with the current version of Robert's Rules of Order. The Council may enact additional rules of order and procedure for the planning commission by resolution.

Section 2.38.080 – Purchasing Authority and Operating Procedures

A. The Board shall develop annual budgets for the operation and maintenance of the Cemetery and shall develop and submit said budgets to the Council for review and approval in accordance with timelines the Council shall establish.

B. The following provisions shall apply to Small Expenditures

1. The Board shall have authority to incur and transact Small Expenditures without obtaining pre-approval from the Council; and

2. The Board shall submit the invoices and other related documentation for any Small Expenditures to the Chair for review, approval, and submission to the Council.

C. Before the Board may incur any Large Expenditure:

1. The Board must submit a request for Large Expenditures to the Council through the Chair;

2. The Council must approve the Board's request for the Large Expenditure; and

3. The Board must comply with all applicable purchasing policies or ordinances of the Copperton Metro Township in incurring and transacting any Large Expenditure.

D. If the Chair or Council has questions or concerns about any expenditure incurred by the Board, the Chair and the Council may take any and all lawful actions necessary to resolve the question or concern and to ensure compliance with applicable law and the Copperton Code.

E. The Board shall report all expenditures and provide an overview of all Cemetery activities to the Council on at least a quarterly basis, or more frequently as the Council may require.

F. The Board shall prepare rules and procedures to govern the operation and maintenance of the Cemetery and shall submit such rules and procedures

to the Council for its review and approval in accordance with a timeline that the Council shall establish.

G. The Council may require the Chair to seek payment of Cemetery expenses from appropriate amounts in the Copperton Metro Township budget instead of seeking payment from the Escrow Fund.

Section 2.38.090 – Ethics

All Board members will abide by the Utah Code any applicable provisions of the Copperton Metro Township Code, including but not limited to Section 2.07.201 (Copperton Metro Township Ethics Code, Conflict of Interest). A member of the Board who has a restricted conflict of interest as defined by the Copperton Metro Township Code will declare the conflict of interest and recuse themselves from any applicable meeting. Members, who have unrestricted conflicts of interest as defined in Copperton Metro Township Code, will declare the conflict of interest at the meeting, and may recuse themselves, but are not required to do so.

2. **SECTION 2 (Board Member Terms).** Pursuant the changes in term enacted by this Ordinance, the current terms of the present Bingham Cemetery Board members are reconstituted and staggered as follows beginning January 1, 2020:

- Jerry Dunaway – term ending at 11:59 pm on December 31, 2020
- Tammy Sheehy – term ending at 11:59 pm on December 31, 2021
- Tessa Stitzer – term ending at 11:59 pm on December 31, 2022

3. **SECTION 3 (Effective Date)**. This ordinance will become effective on January 1, 2020 after it has been posted in three public places pursuant to Utah Code Ann. §§ 10-3-711 – 712.

APPROVED AND ADOPTED in the Copperton Metro Township, Salt Lake County, Utah this 30 day of September, 2019.

By: _____
Sean Clayton, Mayor

ATTEST

By: _____
Sherrie Swensen, Salt Lake County Clerk
Copperton Metro Township/Recorder

VOTING

Council Member Bailey voting ___
Council Member Clayton voting ___
Council Member Patrick voting ___
Council Member Pazell voting ___
Council Member Severson voting ___