

INTERLOCAL AGREEMENT

establishing the

Uintah Basin Association of Governments

THIS AGREEMENT made and entered into by and between the undersigned Counties (hereinafter collectively called the "Association of Governments") hereby agree that the provisions hereinafter set forth in the "Articles of Association", shall be so incorporated in full by Resolution of the governing bodies of the member groups who hereby agree to be governed thereby.

WITNESSETH

WHEREAS, it has been determined that there is a public need for the establishment of an area-wide "Association of Governments" at the multi-county level coterminous with the boundaries of Daggett, Duchesne, and Uintah Counties in the state of Utah, to provide a forum for study and discussion of regional problems of mutual interest to the county and city governments within the region and to serve as a multi-purpose organization to coordinate and carry out comprehensive and functional planning and development activities in the region; and

WHEREAS, the parties hereto are empowered under existing laws of the State of Utah to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will best accord with geographic, economic, population, and other factors influencing the needs and development of local communities, and to study, plan, discuss, and recommend strategies for the solution of area-wide problems, and to enter into certain agreements and expend allocated funds in the exercise of such powers; and

WHEREAS, it is the desire of the parties hereto to become members of and participate in the "Association" hereby established.

NOW, THEREFORE, in consideration of the execution of this agreement by the parties eligible to membership in the "Association" hereby established and to be known as the Uintah Basin Association of Governments, said parties agree to the following "Articles of Association" as follows:

**ARTICLES OF ASSOCIATION
OF
UINTAH BASIN OF GOVERNMENTS
(Region VI)
Amended February 1991**

PREAMBLE

We, the representatives of local government in the respective counties of Daggett, Duchesne and Uintah find: That problems of growth and development so transcend the boundary lines of our local government units that no single unit can plan for their solution without affecting other units in the region; that multi-county planning activities available under various laws of the United States should be conducted and administered in a coordinated manner; and that intergovernmental cooperation on a regional basis is an effective means of pooling the resources of local government to approach common problems.

Therefore, we, the representatives of local government of Daggett, Duchesne and Uintah counties in the State of Utah hereby join together in a voluntary organization to be known as Uintah Basin Association of Governments (Region VI) for the purpose of meeting at regular intervals to discuss and study area-wide problems of common interest and concern and to develop policy and action recommendations for ratification and implementation by member governments in the area served by the region.

This voluntary inter-county association which is hereby formed is a vehicle for close cooperation and is not a new layer of governments, nor is it a "supergovernment." As a voluntary organization of local governments, the members seek to establish a framework for effective execution and coordination of programs to meet the common needs of the citizens of the region.

Our goal is to serve as a multi-purpose organization utilizing our combined total resources to provide a more effective means for planning and development of the physical, economic, and human resources of the region.

I. PURPOSE

The Uintah Basin Association of Governments (Region VI), hereinafter referred to as "The Association," shall be a voluntary organization of governments to facilitate intergovernmental cooperation and to ensure the orderly and harmonious coordination of federal, state, and local programs for the solution of mutual problems of the region. The purposes of this organization are:

- A. To provide a common forum to identify, discuss, study, and bring into focus regional challenges and opportunities.
- B. To achieve advantages of cooperative action that cannot be achieved individually and to make the most effective use of local leadership and staff resources.
- C. To serve as a multi-purpose "umbrella-type" organization to engage in and carry out planning and development programs as determined by the association to be applicable to achieve regional benefit and advantage.
- D. To serve as a reviewing policy-making body with respect to proposals of both public and private agencies.

- E. To provide a continuing organizational means to ensure effective communication and coordination among public officials pertaining to regional interests.
- F. To maintain liaison with members, governmental units, and groups or organizations, and to serve as regional spokesmen for local governments.
- G. To perform such other functions as may be deemed appropriate.

II. FUNCTIONS

The functions of The Association shall include:

A. Administration and Coordination of Programs

The Association is authorized to act as the parent organization unit for the coordination, administration, or operation of common programs of mutual interest and impact in the region. The Association is the authorized agency to receive federal grants for all planning and development programs that may have multi-county or regional level designation. In regard to those functions, the Association may establish boards, committees, commissions, councils or similar sub-unit governing bodies as may be required to meet organizational and procedural requirements of various federal programs or programs of its own creation. The composition of any sub-units of The Association shall be determined by the Board of Directors of this association. Such bodies when appointed or otherwise selected, shall serve as advisory groups to The Association.

B. Planning

The Association shall prepare and amend area-wide plans for the physical, economic, and social resources of the region, and conduct studies and research on matters of regional concern. Such plans shall serve to foster, develop, and review policies and priorities for regional growth and development, and for coordinating inter-governmental affairs within the region.

C. Review of Federal and State Aid Programs

The Association shall review and coordinate federal, state, and local application for loans or grants from the United States of America from all units of government operating within the region. The Association shall be eligible to serve as the official clearinghouse agency for the purpose of Section 204 of the Demonstration Cities Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968. Acting on behalf of and under the recommendations of the members of The Association. Review procedures shall be developed in accordance with Bureau of the Budget Circular A-95, "Evaluation, review, and coordination of federal assistance programs and projects."

D. Services to Local Governments

The Association may furnish general and technical aid to local units of government, within the region, to provide them with services and technical assistance in the conduct of planning and development activities.

E. Joint-Powers Authorization

The Association may, by appropriate action of the member governments, exercise such other powers as are exercised or capable of exercise by the member governments and necessary or desirable for dealing with problems of mutual concern. Authorization may include joint financing, scheduling, and development of public facility projects with inter-jurisdictional significance or involve direct public services functions.

F. Power to Contract

The Association shall have authority to act in its own name; to sue and where appropriate under Utah Code Annotated, Repl. Vol. 7A, S63-30-1 ET Seq., (1953) to be sued; to make and enter into and enforce by court action all manner and kinds of contracts, agreements, and obligations by or with any person or persons, corporation or corporations, or any government or government agency not inconsistent with law for the purposes stated in these articles including coordinating, administering, and operating programs.

III. DEFINITIONS

A. "Association" — The Association is used in these articles and means the inter-county association of governments or cooperative body of city and county governments as established by these articles.

B. Regional Problems — A regional problem is one that meets the following criteria:

1. That problem which is common to two or more counties, the solution of which evidently will not or cannot be achieved by governmental agencies acting independently or each other, or which cannot be achieved separately as economically as when acting cooperatively.
2. A solution is required by consideration of public, health, safety or welfare.

C. Official Representative — Official representation as used in these articles means the mayor or members of the governing body of member cities from each county and the chairman or members of the Board of County Commissioners of every county in the region.

D. Region — Region means a geographic area composed of groupings of counties designated and established for carrying out the purposes of these articles.

IV. MEMBERSHIP AND REPRESENTATION

A. Board of Directors The Uintah Basin Association of Governments (Region VI) shall have one policy body to be known as the Board of Directors. The membership of the Board of Directors shall consist of twelve members:

1. Daggett County — Three members shall be from the county commission and one member shall be a mayor. The alternate (if needed) shall be a town council member chosen by the commission or mayor.

2. Duchesne County - Two members shall be from the county commission, assigned by their respective commission chairman. Two members shall be mayors, elected by mayors from their respective county. The alternate (if needed) shall be a county commissioner or mayor.
 3. Uintah County - Two members shall be from the county commission, assigned by their respective commission chairman. Two members shall be mayors, elected by mayors from their respective county. The alternate (if needed) shall be a county commissioner or a mayor.
- B. Ex-Officio — All other county commissioners and mayors from their respective counties will be considered ex-officio. They should act as alternates, whenever needed.
- C. Terms of Office — Members of the Board of Directors shall serve for terms of one year, or until their successors have duly and legally assumed office their respective jurisdictions.
- D. Officers — Officers shall be elected by majority vote of members of the board of directors from among that body. Elections shall take place annually at the first meeting for the calendar year. There shall be a chairman, a first vice-chairman who will serve in the former's absence as chairman, and a second vice-chairman who will serve in the absence of the chairman and the first vice-chairman.
- E. Rotation of Officers — Officers must be selected from the Board of Directors so that each county is represented. Beginning in 1996, the chairmanship will rotate on an annual basis starting with Uintah County in 1996, Daggett in 1997, and Duchesne in 1998. The First Vice-Chairman will be from Daggett County in 1996, Duchesne in 1997, and Uintah in 1998. The Second Vice-Chairman will be from Duchesne County in 1996, Uintah in 1997, and Daggett in 1998. Beginning in 1999, the rotation will repeat the positions described for 1996, and will continue in the same order thereafter.
- F. Ex-Officio Committees — The Board of Directors shall establish an ex-officio subcommittee for each program or department of The Association as appropriate.

V. DUTIES OF THE BOARD OF DIRECTORS

- A. Voting — Each member of the Board of Directors, as outlined in Section IV of these articles, shall have one vote including; the Chairperson, 1st Vice-Chairman, and 2nd Vice-Chairman representing their respective county.
1. A simple majority vote of the entire membership in attendance is necessary to carry any questions, except in those cases where the question is referred to a two-thirds majority vote.
 2. A two-thirds majority vote of a quorum in attendance will be required when:
 - a. The question is about association financial matters including funding, budgeting, and auditing; or a motion to require a two-thirds majority vote on specific question is passed by the Board of Directors.

- B. Alternates — Any director may designate an alternate to participate as a member of the Board of Directors in the event of absence of that director.
1. The alternate must be an ex-officio board member, except in Daggett County.
 2. The alternate will have full discussion and voting rights of the regular member of the Board of Directors at the regular meeting and any subcommittee or other assignment of the regular member.
 3. A regular member of the Board of Directors can designate an alternate no more than four (4) times during the calendar year.
- C. Quorum — A quorum of the Board of Directors shall consist of two-thirds of the total voting membership.
- D. Meetings — The Board of Directors shall be required to meet monthly or upon call of its chairman.
- E. Responsibilities — The responsibilities of the Board of Directors are:
1. To adopt and amend these articles of association.
 2. To purpose, initiate, approve, or carry out any studies, policies, or other association matters.
 3. To prepare and evaluate policies, plans, and programs for consideration by all public and private agencies within the region responsible for implementation.
 4. To serve in review capacity to assure that all federal, state, and local development projects are consistent with adopted area-wide plans and programs.
 5. To apply for and receive state and federal grants for regional purposes.
 6. To allocate components of the regional work program among the association's staff, staffs of other public agencies, and private consultants.
 7. To establish representative technical advisory committees as needed to assist in the preparation of plans, programs, and project reviews.
 8. Initiate, advise, and aid in the establishment of cooperative arrangements including interlocal agreements among local governments in the region.
 9. To render advice and technical assistance on request of member governments in regard to local government problems having regional impact.
 10. To appoint, fix salary of, and remove the executive director.
 11. To review actions of the executive director and the staff.
 12. To perform other activities as the executive committee may decide.

VI. DUTIES OF THE EX-OFFICIO COMMITTEES

1. Develop policy and procedures within the context of individual programs or departments.
2. Work with the executive director and other personnel as appropriate in the selection of program staff.
3. Maintain oversight responsibility over respective programs or departments.
4. Meet with program or departmental staff to conduct these responsibilities.
5. The ex-officio committees will perform their responsibilities, and report their activities and decisions to the Board of Directors for their affirmation.

VII. STAFF AND STAFF SERVICES

- A. Central Staff — To avoid duplication of staff for various regional programs assisted by the federal government, The Association may provide basic administrative, research, and planning services for all regional planning activities hereafter undertaken. The Association may contract to obtain or perform services with state agencies, non-profit regional groups, councils of government, general units of local government, and sub-district organizations as the result of federal programs. The staff shall perform its activities for, and be directly responsible to, the Board of Directors of the association.
- B. Executive Director
 1. The executive director shall be appointed and removed by the Board of Directors.
 2. Responsibilities of the executive director shall include:
 - a. Coordinating and directing all staff and consultant services as may be provided through the association.
 - b. Recommending to the Board of Directors all staff appointments, advancements, and other employment policies.
 - c. Prepare & administer an annual approved work program & budget.
 - d. In addition to the above designated duties the executive director shall perform all other duties delegated to the director by the Board.
- C. Other Staff — The staff of the Association may be appointed by the Board of Directors upon recommendation of the executive director, or contributed by any public agency or any of the local government entities having membership in The Association.

VIII. STATUTORY AUTHORITY

The Uintah Basin Association of Governments (Region VI) shall be an agency established by the

joint powers agreement among the members, pursuant to Title II, Chapter 13, Utah Code Annotated 1953, as amended.

XI. DURATION, WITHDRAWAL

- A. Duration — The duration of the Uintah Basin Association of Governments (Region VI) shall be perpetual.
- B. Withdrawal — Any county or municipality which is a member of the association may withdraw from membership upon 90 days written notice to the Board of Directors, prior to the effective date of withdrawal. Any assessment monies paid by the withdrawing member will be retained by the association.

X. AMENDMENTS


These articles may be amended, repealed, or added to at regular or special meetings of the Board of Directors, provided that written notice shall have been sent to each member which notice shall state the amendments and the changes that are proposed to be made. Proposed amendments shall be considered to have passed if two-thirds of the member's vote is affirmative.

XI. EFFECTIVE DATE

These amended articles of association shall go into effect immediately upon the effective date of the agreement.

THIS AGREEMENT shall be executed in four (4) copies, each to be considered an original, and shall be effective upon the date that the same has been executed by the Chairpersons of the respective Counties.

DATED THIS 21 DAY OF August, 1996.


Daggett County


Uintah County


Duchesne County

APPROVED AS TO FORM:


Attorney