

Resolution No. 20-3

July 1, 2020

**RESOLUTION OF THE RICH COUNTY COMMISSION
TO CREATE THE RICH COUNTY ECONOMIC
DEVELOPMENT ADVISORY BOARD**

WHEREAS, the State of Utah operates a Rural County Grant Program pursuant to Utah Code § 17-54-101 to 104 (effective July 1, 2020); and

WHEREAS, the Rural County Grant Program distributes grant funds to address the economic development needs of rural counties, like Rich County; and

WHEREAS, rural counties seeking to participate in the Rural County Grant Program must first establish a County Economic Development Advisory Board ("CED Board") to assist and advise the County Commission; and

WHEREAS, the County Commission determines that it is in Rich County's interests to participate in the Rural County Grant Program;

BE IT THEREFORE RESOLVED, the Rich County Board of Commissioners hereby creates the Rich County Economic Development Advisory Board ("CED Board").

BE IT FURTHER RESOLVED, the CED Board shall be composed of the following members to be appointed by the Rich County Board of Commissioners;

- (1) A county representative;
- (2) A representative of a municipality in the county;
- (3) A workforce development representative;
- (4) A private-sector representative;
- (5) A member of the public who lives in the county; and
- (6) Any other member deemed appropriate.

BE IT FURTHER RESOLVED, the CED Board's purpose will be to assist and advise the Rich County Board of Commissioners on (1) applying for grants under the Rural County Grant Program, Utah Code § 17-54-101 to 104; (2) deciding what projects should be

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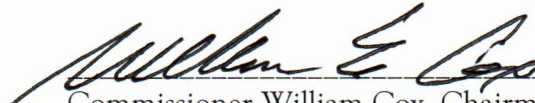
funded by grant money provided under the Rural County Grant Program; and (3)
preparing reports required by the Rural County Grant Program.

BE IT FURTHER RESOLVED, the CED Board shall be governed by the bylaws
established and approved by the Rich County Board of Commissioners.


This resolution shall be effective on the date it is adopted.

APPROVED and signed this 1st day of July, 2020.

BOARD OF RICH COUNTY COMMISSIONERS


Commissioner William Cox, Chairman

ATTEST:



Rich County Clerk

Commissioner Bill Cox voted	<u>yes</u> .
Commissioner Norman Weston voted	<u>yes</u> .
Commissioner Simeon Weston voted	<u>yes</u> .

Rich County CED Board Bylaws

The Rich County Board of Commissioners has created a CED Board, which shall be governed by these bylaws.

ARTICLE 1

Name.

The Rich County Economic Development Advisory Board (“CED Board”).

ARTICLE 2

Purpose.

The CED Board is created solely to advance the economic development of Rich County. The CED Board will do so by serving as the County’s liaison with the Rural County Grant Program (“RCGP”) operated by the Governor’s Office of Rural Development. Utah Code § 17-54-101 to 104 (effective July 1, 2020).

Under the Rural County Grant Program, Rich County is eligible to apply for and receive grant funds for economic development needs, which may include:

- (1) Business recruitment, development, and expansion;
- (2) Workforce training and development; or
- (3) Infrastructure, industrial building development, and capital facilities improvements for business development.

The CED Board shall assist and advise the Rich County Board of Commissioners in the following:

- (1) Applying for grants under the RCGP;
- (2) Prioritizing projects that should be funded by grant money provided under the RCGP; and
- (3) Preparing reports required by the RCGP.

ARTICLE 3
Membership.

Section 1. Composition of CED Board.

The Rich County Board of Commissioners shall appoint a minimum of five members to the CED Board, which shall consist of at least the following:

- (1) A county representative.
- (2) A representative from a municipality in the county.
- (3) A workforce development representative.
- (4) A private sector representative.
- (5) A member of the public who lives in the county.

The Board of Commissioners may appoint additional members as appropriate from time to time.

Application shall be open to any current resident, property owner, business operator, or employee of Rich County. In appointing members of the CED Board, the County may consider gender and socioeconomic diversity.

Section 2. Term.

Appointment to the CED Board is for a one-year term. At the end of the term, the Rich County Board of Commissioners may either renew the appointment or choose to appoint someone else.

Section 3. Attendance.

Each member is expected to attend at least 75% of CED Board meetings each year. Any member who fails to fulfill their duties as specified in these bylaws, shall automatically forfeit his/her seat and the seat will be considered vacant.

Section 4. Resignation and termination.

Appointed members serve at the will of the Board of County Commissioners. Any member may resign by filing a written resignation with the Board of County Commissioners. A member may also be removed by the Board of County Commissioners at any time.

Section 5. Vacancy.

Whenever a vacancy occurs for any reason, the CED Board shall notify the Board of County Commissioners to fill the position by appointment as soon as reasonably possible.

**ARTICLE 4
Meetings.**

Section 1. Regular meetings.

Regular meetings of the CED Board shall be held monthly, at a time and place designated by the board chair.

Section 2. Annual meetings.

An annual meeting of the CED Board shall be each year in the month of September. The specific time and location shall be designated by the board chair. At the annual meeting the members shall elect officers, receive reports on the activities of the association, and determine economic priorities for consideration in the coming year.

Section 3. Special meetings.

Special meetings may be called by the chair or a simple majority of the members.

Section 4. Notice of meetings.

Personal notice of each meeting shall be given to each member not less than two days before each meeting. The CED Board will also follow the Open and Public Meetings Act (Utah Code § 52-4-101 to 305). Specifically, all meeting shall be open to the public. All decisions, discussions of CED Board matters, and considerations of CED Board business shall be done in an open meeting.

Notice of each meeting and an agenda of the items being addressed shall be made available to the public as required by Utah Code § 52-4-202.

Section 5. Quorum.

A quorum shall consist of at least 60% of the active membership. No CED Board business may be conducted without a quorum present either in person or by phone or other means. However, if no quorum is present, a lesser number of members shall have the power to adjourn to a specified later date.

Section 6. Voting.

All issues shall be decided by a simple majority of those present at the meeting in which the vote takes place.

Section 7. Minutes.

Minutes shall be kept of each meeting.

**ARTICLE 5
Member responsibilities.**

Section 1. Soliciting applications.

The CED Board shall solicit applications for RCGP funds. The CED Board shall consider how best to solicit applications with the goal of having as many eligible applicants apply as possible from across the county.

Section 2. Reviewing applications.

The CED Board shall review all applications. The CED Board shall vote to prioritize applications to be sent to the RCGP for consideration.

The CED Board should attempt submit approved applications to the RCGP up to the statutory limit, which is currently set at \$800,000. Utah Code § 17-54-103(7). The CED Board should avoid submitting approved applications in excess of that figure.

In approving and prioritizing applications, the CED Board shall prioritize applicants that:

- (1) Align with the existing priorities defined by Rich County's economic development plan, if applicable;
- (2) Demonstrate clear economic need;
- (3) Utilize local or in-kind resources in combination with RCGP funds;
- (4) Provide evidence that jobs will be created; and
- (5) Have evidence that there will be a positive return on investment.

If approved by vote of the CED Board, the recommendation shall be presented to the Rich County Board of Commissioners for approval. Once approved by the CED Board and the Board of Commissioners, the CED Board shall submit the application to the RCGP.

Section 3. Reporting responsibilities.

On or before September 1 of each year, if the county has received a grant under the RCGP in the previous 12 months, the CED Board shall provide a written reports to the RCGP describing:

- (1) The amount of grant money received.
- (2) How grant money has been distributed by the county, including what companies or entities have utilized grant money, how much grant money each company or entity has received, and how each company or entity has used the money;
- (3) An evaluation of the effectiveness of awarded grants in improving economic development in the county, including the number of jobs created, infrastructure that has been completed, and capital improvements in the county;
- (4) How much matching money has been utilized by the county and what entities have provided the matching money;
- (5) Any other reporting, auditing, or post-performance requirements established by the Office of Rural Development for RCGP grants.

County staff may be appointed to assist with the creation of reporting documents.

ARTICLE 6
Officers.

Each year, the members shall elect a Chairperson, a Vice-Chairperson, and a Secretary.

Section 1. Chairperson.

The Chairperson presides at all meetings of the CED Board. The Chairperson has the ultimate responsibility to ensure that the CED Board complies with all reporting requirements with the Office of Rural Development.

Section 2. Vice-Chairperson.

The Vice-Chairperson takes over for the Chairperson whenever the Chairperson is absent.

Section 3. Secretary.

The Secretary attends all meetings of the CED Board and acts as the clerk of the CED Board. Assisted by county staff whenever needed, the Secretary keeps the minutes and records all votes.

Section 4. Vacant office.

If the office of Chairperson, Vice-Chairperson, or Secretary become vacant, the remaining members shall elect a replacement. The replacement officer fills the remaining unserved term of the office being replaced.

**ARTICLE 7
Conflict of Interest.**

The purpose of this Article is to protect the CED Board and its members from approving grants that might benefit the private interest of a board member. Even the appearance of self-dealing would be a problem for the member, the CED Board, and Rich County as a whole and should be carefully guarded against.

These policies are in addition to other applicable state and federal laws governing conflicts of interest. If the CED Board is uncertain in any situation regarding a potential conflict of interest, the members should contact the Rich County Attorney for advice.

Section 1. Definitions.

“Interested person” means any board member who has a direct or indirect financial interest, as defined below.

“Financial interest” means the person has, directly or indirectly, through business, investment, or family:

- (1) an ownership or investment interest in any entity with which the CED Board is considering an application, transaction, or arrangement; or
- (2) A compensation arrangement with the CED Board or with any entity or individual with which the CED Board has a transaction or arrangement; or
- (3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the CED Board is negotiating a transaction or arrangement.

“Compensation” includes direct or indirect remuneration as well as gifts or favors.

Section 2. Duty to disclose.

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the board considering the proposed transaction. Disclosure should be made in a public meeting to the other members of the CED Board and to the Board of County Commissioners. In any uncertain situation, it is better to err on the side of disclosure.

Section 3. Determination.

The determination of whether a conflict exists shall be placed on a written agenda and noticed up for determination at a regularly held public meeting. After disclosure and presentation of all material facts, and any necessary discussion, the member making the disclosure shall be excused from the meeting while the remaining members discuss and vote to decide whether an actual conflict exists.

Section 4. Standard for determination of how to proceed.

After exercising due diligence and complying with Section 3 of this Article, the remaining members shall determine whether a conflict actually exists. If the remaining members determine that an actual conflict exists, they must then determine by majority vote whether the CED Board can achieve with reasonable efforts a result equally advantageous for the county in another transaction where a conflict of interest does not exist.

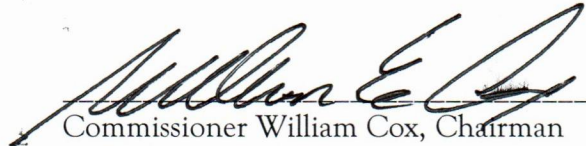
If a more advantageous transaction or arrangement is not reasonably possible under the circumstances not producing a conflict of interest, the remaining members shall determine by majority vote whether the transaction is in the county's best interest and whether it is fair and reasonable.

In all cases, where an application is being recommended to the Board of County Commissioners any potential conflict must be disclosed to the Commission.


ARTICLE 8
Signatures

APPROVED and signed this 1st day of July, 2020.

BOARD OF RICH COUNTY COMMISSIONERS


Commissioner William Cox, Chairman

ATTEST:


Rich County Clerk

Commissioner Bill Cox voted	<u>yes</u> .
Commissioner Norman Weston voted	<u>yes</u> .
Commissioner Simeon Weston voted	<u>yes</u> .