

## LITTLE COTTONWOOD CREEK COMMITTEE GUIDELINES

Updated 3-13-98

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The purpose of the Little Cottonwood Creek Committee is to provide consultation to the State Engineer concerning the operation of the Little Cottonwood Creek Distribution System as described in Section 73-5-1 of the Utah Code Annotated, 1953 as amended. This consultation will include the recommendation of a person to act as commissioner, setting the annual budget for the system operation, setting the total assessment to be made to the water users, and establishing the duties of the commissioner in addition to those specified in the statute. In addition the committee may discuss and resolve concerns related to improving the operation of the system and any other system issues as requested by the State Engineer.

These committee guidelines may be amended at any time by approval of the committee as described below under Voting. The guidelines will be reviewed at the 1999 annual meeting to determine if there is a need to modify or add to the guidelines.

### COMMITTEE ORGANIZATION

#### Representation

The Little Cottonwood Creek Distribution System Committee will be made up of one representative from each of the following entities who have water right interests on the creek:

#### MUNICIPALITIES

Murray City  
Salt Lake City  
Sandy City

#### IRRIGATION COMPANIES

Cahoon & Maxfield Ditch  
Little Cottonwood Tanner Ditch  
Richards Ditch  
Walker Ditch  
South Despain Extension Ditch

Each of the water right owners listed above will be responsible for selecting its representative to the committee. When a change is made, the new representative will be responsible to inform the Division of Water Rights so that he can receive notice of committee meetings. The South Despain Extension Ditch representative will also represent the interests of the remainder of the irrigation companies and other water right owners on the creek. The Division of Water Rights will attend committee meetings acting in a secretarial role but will not vote in committee business. The functions of secretary will be performed by the division on a temporary basis.

#### Committee Groups

It is recognized that the interests and the viewpoints of the municipalities and irrigation companies are different from each other and may sometimes be in conflict. To provide balance to the committee, it will be divided into two groups as shown above under Representation.

#### Voting

Each representative will have one vote within the group he belongs to. A majority vote within a group will determine the position of the group on the issue being considered. Each group will have veto power; the two groups must be in agreement for each decision made by the committee.

#### Committee chairman

The committee chairman will serve for a term of one year. The vice chairman who was

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selected the previous year will succeed to the chairmanship for the coming year at the end of annual meeting.

The chairman will conduct the committee meetings and will be eligible to vote as described above under Voting. The chairman will serve as the main liaison between the committee and the Division of Water Rights and between the committee and the commissioner. This is not to preclude any committee member from communicating with either the division or the commissioner.

### Committee vice-chairman

A committee vice-chairman will be selected to serve in the event the chairman is not able to be present at a committee meeting or becomes unable to fill the other responsibilities of his position during the year. The vice-chairman will serve for a term of one year and will be selected by the committee at the committee meeting prior to the annual meeting. The vice-chairman will be selected from alternating groups, i.e. one year the vice-chairman will be selected from the municipal group and the next year from the irrigation company group.

### Conducting committee business

A quorum of the committee must be present to conduct committee business. A quorum will consist of two representatives from the municipality group and three representatives from the irrigation company group.

## COMMITTEE MEETINGS

Any committee member may request items be added to a committee meeting agenda. The chairman will be responsible to ensure the items are added as requested.

### Committee Meeting prior to the Annual Meeting

The committee will meet some time prior to the annual meeting. The meeting agenda will include at least the following items of business:

- \*Hearing the minutes of the previous meeting
- \*Hearing the financial report for the previous year
- \*Hearing the commissioner's report for the previous year
- \*Preparing a budget of salaries and other necessary expenses
- \*Approving Setting the annual assessment
- \*Recommending a commissioner for the coming year
- \*Electing a vice-chairman for the coming year and reviewing any other changes in committee organization.

### Annual Meetings

The annual distribution system committee meeting will be held each year during the first half of January. The chairman will work with the Division of Water Rights to set the meeting date and the agenda for the annual meeting. The annual meeting will be held at the Department of Natural Resources. Notice of the annual meeting will be by letter which will be mailed by the division to the name and address provided by each representative at least 10 days prior to the meeting. In addition to the meeting date, time and place, the notice will include the meeting agenda. The agenda for the annual meeting will generally include the following agenda items:

- \*Hearing the minutes of the previous meeting

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- \*Hearing the financial report for the previous year
- \*Hearing the commissioner's report for the previous year
- \*Approving the budget of salaries and other necessary expenses
- \*Approving the annual assessment
- \*Approving the commissioner recommendation for the coming year
- \*Addressing other concerns or transacting other business as may properly come before the committee
- \*Reviewing with the water users the committee organization and officers for the coming year

### Other committee meetings

The committee chairman will call other committee meetings as needed during the remainder of the year. If an additional meeting is requested by either group, the chairman will be required to call the meeting. Notice of other committee meetings must be given at least 10 days in advance of the meeting. Except in times of emergency, notice will be given by letter mailed to the name and address provided by each representative. The notice must include the date, time, place and the agenda for the meeting.

### Meeting rules of order

Issues for discussion and motion may be brought up by any member of the committee including the chairman and the vice-chairman. The chairman will recognize the committee member desiring to be heard in due order. Motions and seconds on motions may be made by any committee member including the chairman and vice-chairman. A motion will successfully pass if a majority of committee members from both groups gives their vote in approval.

## FINANCIAL ARRANGEMENTS FOR OPERATING THE DISTRIBUTION SYSTEM

### Annual Budget

The annual budget will be prepared during the committee meeting and approved at the annual meeting. The budget will include the line items required for system operation. Line items may include the following and such other line items as determined necessary by the committee:

- Commissioner Salary
- Commissioner Social Security
- Commissioner Retirement
- Commissioner Travel Expenses
- Deputy Salary
- Deputy Social Security
- Deputy Retirement
- Deputy Travel Expenses
- Contractual Services
- Bonding Expenses
- Insurance Premiums
- Office & Supplies Expense
- Secretarial Expense

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Telephone Expense  
Committee Expense  
Annual Report  
Equipment & Supplies Expense  
Miscellaneous Expense

The proposed budget amount for each line item will be set by open discussion within the committee. The final approval of the total budget will be determined as described under Voting above.

Assessments

(This section was by the committee but not adopted - a temporary assessment procedure was adopted for 1998. The temporary procedure is based on a 30 year average of Little Cottonwood Creek flows and the court decreed water rights - see separate spreadsheet for assessment calculations)

The total annual assessment will be prepared by the committee at the committee meeting and approved by the water users at the annual meeting. The total assessment must be at least equal to the total budget set by the committee unless the distribution system has adequate reserves to make up the difference and the committee agrees to use the reserves for that purpose.

The total assessment will be divided up among the water users on a pro rata basis according to the quantity of water delivered under the regulation of the commissioner during the preceding year. The assessed water will include water diverted from Little Cottonwood Creek and water from any other source delivered as an exchange for Little Cottonwood Creek water.

Assessments will be collected by the Division of Water Rights as outlined in the state statute.

Administering system funds

The assessments collected by the division will be held in an interest bearing account. The interest will accrue to the distribution system. The funds will be administered by the division to pay system expenses as submitted by the commissioner or the committee. In administering the funds during the year, the division may approve and pay expenditures which exceed the individual budget line item if the amount of overage is not more than \$200 and if it appears the total expenses for the year will still be within the total budget.

Reserves

The distribution system must build up and hold in reserve at least 30% of the annual operating budget. The reserve will primarily be used to provide funds for the operation of the distribution system at the beginning of each year until the annual assessments are collected. The reserve may also be used to meet unforeseen or emergency expenses which come up during the year. Expenditures from the reserve must be approved by the committee. This approval may be obtained at a meeting called for that purpose or by a telephone poll of the committee members. Approved requests for expenditures from the reserve must be made in writing, signed by the chairman, to the Division of Water Rights.

RIVER COMMISSIONER

Two co-equal water commissioners will be appointed to regulate the distribution of water from Little Cottonwood Creek. One commissioner will represent the municipality group and one

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commissioner will represent the irrigation company group. Each commissioner will be nominated by the group that he or she represents and both commissioners will be voted on and approved by both groups according to the voting rules established above. The commissioners' duties will be shared by the two commissioners and they will have the flexibility to determine how the responsibilities are met and the details of how they work together.

### Commissioner Duties

See separate document entitled "Co-Commissioner Position Description"

### Appointment of commissioner

The co-commissioners for Little Cottonwood Creek will be appointed each year by the State Engineer after receiving the recommendation from the Little Cottonwood Creek Committee and the approval of the water users at the annual meeting. The State Engineer will appoint the persons recommended by the committee if they are deemed competent by the State Engineer. In the event the committee cannot agree upon a person or persons to recommend, the state statute requires the State Engineer to appoint a commissioner or commissioners without recommendation. It is anticipated the commissioners will continue to serve over a period of several years because it will take a year or two for the commissioners to learn the operation of the distribution system.

### Resignation or Removal of Commissioners

A commissioner should give the committee one year's notice of his intent to resign from the position. This notice should be given at the annual meeting. This will allow adequate time for the committee to select a replacement and for the commissioners to provide training in the operation of the system.

A commissioner may be removed from his position at the beginning of each year by failing to recommend him for re-appointment at the annual meeting. During the year, a commissioner may be removed from his position by the State Engineer for cause. The committee may petition the State Engineer for removal of a commissioner by submitting a petition showing a consensus of the two groups and stating the cause(s) for removal. The water users may also petition the district court for removal of a commissioner.

### Selecting a new commissioner

Nominations for commissioner may be made by any member of the group the commissioner will represent. In the event there are not adequate nominations from the committee members, the position(s) may be advertised and applications for the position(s) received by the committee. Under either procedure, the committee may elect to interview the nominations or applicants to determine their qualifications and experience. The Division of Water Rights will participate in the interviews as requested by the committee. Ideally this process should be completed prior to the committee meeting before the annual meeting so the committee can make its recommendation to the State Engineer.