MOAB CITY
WATER CONSERVATION AND DROUGHT MANAGEMENT ADVISORY BOARD
BYLAWS

Adopted by unanimous vote of the Board on ____________ and amended by City Council with Ordinance XXXX-XX

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PURPOSE
These policies and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the Moab City Water Conservation and Drought Management Advisory Board, hereinafter referred to as the “Water Conservation Board,” in the performance of their duties. The Water Conservation Board shall be governed by the provisions of all applicable State statutes, City ordinances, and these rules. Nothing in these rules shall be interpreted to provide an independent basis for invalidating or in any way altering a final recommendation or decision of the Water Conservation Board.

ARTICLE 1 – GENERAL PROVISIONS
The Moab Water Conservation Board shall be governed by the following statutes, ordinances and rules:

1.1 Applicable State Statutes, Local Ordinances, and Rules. To the extent that they remain in force and in effect and as they may be amended from time to time, the Water Conservation Board and its members shall be governed by state statutes and local ordinance and policies including the following:

a. State statutes applying to public boards, members and officials.

b. The Moab City General Plan and Moab Municipal Code Book and other applicable ordinances and regulations approved by Moab City Council.
ARTICLE 2 – COMPOSITION OF BOARD, AND APPOINTMENT AND TERMS OF MEMBERS
As amended by Moab City Ordinance 2018-04, The Moab Water Conservation and Drought Management Advisory Board (the Board) shall consist of seven members, six of whom shall be residents of the City of Moab. One member of the Board may be a resident of the Spanish Valley region.

2.2 All Board members shall be appointed by the Mayor and confirmed by action of the City Council.

2.3 The Moab Water Conservation and Drought Management Advisory Board will make recommendations to the Mayor regarding the filling of vacancies on the board.

2.4 For the first board appointments, four members shall be appointed for two-year terms, and three members for three-year terms. All subsequent appointments shall be for two-year terms. Board members are subject to reappointment for new terms and there shall be no limit to terms.

ARTICLE 3 – POWERS AND DUTIES
The Water Conservation Board shall have the following powers and duties:

a. To prepare or cause to be prepared a Water Conservation Plan Update, or elements thereof, and to recommend pertinent elements of the General Plan, to the Moab City Council;

b. To prepare or cause to be prepared amendments to such plans and elements thereof and to recommend the amendments to the Moab City Council;

c. To review and make recommendations to the Moab City Council with regard to water conservation and drought management elements in areas such as Moab City land use and zoning documents, municipal water management policy, interlocal cooperation, and landscape ordinances;

d. To initiate, review and make recommendations to the Moab City Council on topics related to water conservation and drought management public education campaigns, municipal budget expenditures, grant programs, City staffing, and code enforcement;

e. To adopt by-laws, policies, procedures and regulations for the conduct of its meetings, and for any other purposes deemed necessary for the functioning of the Water Conservation Board; And
f. To prepare and present an Annual Report to the Moab City Council, and to prepare and present updates on Water Conservation Board activities to the Moab City Council or appropriate staff as needed, including meeting minutes and recordings of their public meetings, as required by code.

ARTICLE 4 – CONDUCT OF WATER CONSERVATION BOARD MEMBERS

4.1 Ethical Principles. The following ethical principles shall guide the actions of the Water Conservation Board and its members in carrying out the powers and duties described above:

a. Serve the Public Interest. The primary obligation of the Water Conservation Board and each member is to serve the public interest.

b. Support Citizen Participation in Planning. The Water Conservation Board shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

c. Avoid Conflicts of Interest. Water Conservation Board members shall avoid conflicts of interest and even the appearance of impropriety. A Water Conservation Board member with a potential conflict of interest shall make the interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and leave any chamber in which such deliberations are to take place.

d. Render Thorough and Diligent Planning Service. If a Water Conservation Board member has not sufficiently reviewed relevant facts and advice affecting a public decision, that Water Conservation Board member should not participate in that discussion.

e. Not Disclose or Improperly Use Confidential Information for Financial Gain. A Water Conservation Board member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of his/her duties, or use it to further a personal interest.

f. Ensure Full Disclosure at Public Meetings. The Water Conservation Board member shall ensure that the presentation of information on behalf of any party to a question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent, and must make partisan information regarding the question received by mail, telephone, or any other communication, part of the public record.

g. Respect for and Courtesy to Other Water Conservation Board Members, Public and Staff. Each Water Conservation Board member has the same rights and privileges as any other member. Any Water Conservation Board member has the right to be heard and to hear what others have to say about items being considered by the Water Conservation Board.
4.2 Ex-parte Communications. Pre-arranged private meetings between a Water Conservation Board member and an individual(s) and their agents, or other interested parties with a matter pending before the Water Conservation Board are prohibited. Partisan information on any application received by a Water Conservation Board member, whether by mail, telephone, or other communication, should be avoided. When such communication does occur it must be made part of the public record by the Water Conservation Board member.

4.3 Attendance. Each Water Conservation Board member shall be responsible for attending at least seventy-five percent of the regularly scheduled meetings within the calendar year. Attendance may be in-person, by telephone, or by electronic conferencing means. Should circumstances arise where a Water Conservation Board member is unable to attend a scheduled meeting, the Water Conservation Board member shall be responsible for notifying the appropriate City staff or Water Conservation Board Chairperson as soon as possible. Water Conservation Board members who fail to attend seventy-five percent of the meetings may be removed from the Water Conservation Board.

ARTICLE 5 – MEETINGS AND ORGANIZATION

5.1 Regular Meetings. Regular meetings of the Water Conservation Board shall be scheduled at least four times per year unless there are mitigating circumstances, such as lack of a quorum, lack of items to be discussed, holidays and other circumstances. The regular meeting schedule shall be publicly noticed annually, as required by code. The Annual Meeting shall be held in the first quarter of each year.

5.2 Special Meetings, Work Sessions and Field Trips. Special meetings, work sessions and field trips for any purpose may be held at the call of the chair or the Moab City Council. Work session and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.

5.3 Open to the Public. All regular, special, work session and field trip meetings of the Water Conservation Board are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

5.4 Officers. At an annual organization meeting to be held at the first regular meeting at the commencement of each calendar year, the members of the Water Conservation Board shall elect one (1) of its members as Chair and one (1) as Vice Chair. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all powers of the Chair. If both the Chair and Vice Chair are absent or unable to preside over the meeting, the Water Conservation Board members present shall appoint a temporary Chair to preside. The Chair shall serve a term of one (1) year. No member shall serve as Chair for more than two (2) consecutive one (1) year terms. If the Chair leaves the Water Conservation Board during an appointed term, the Vice Chair shall succeed to the office of Chair for the remainder of the term. If the Vice Chair leaves the Water Conservation Board or succeeds to office of Chair, the Water Conservation Board, at
its next regularly scheduled meeting, shall hold an election to fill the vacancy of Vice Chair. Chair and Vice-Chair appointments shall be affirmed at their Annual Meeting in the first quarter of each year.

5.5 Role of the Chair. The Chair shall be in charge of all proceedings before the Water Conservation Board, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Water Conservation Board. Whenever the Chair rules a motion out of order, the Chair shall explain why it is so, and advise the mover of corrections needed to make the motion in order.

ARTICLE 6 – PROCEDURE

6.1 Quorum and Necessary Vote. No regular or special meeting of the Water Conservation Board at which action may be taken may be called to order, or items voted upon, by the Water Conservation Board without a quorum consisting of at least four (4) members of the Water Conservation Board being present. When only four members are present, a unanimous vote of all members in attendance is required for approval of final action. A quorum is not required to hold a work session or field trip, so long as notice is given in accordance with The Open and Public Meeting Act.

6.2 Forms and Procedures of Decisions and Motions. Robert’s Rules of Order Newly Revised, shall be used by the Chair as a general guide.

6.3 Motions. Any Water Conservation Board member, including the Chair, may make or second a motion.

a. Motions should be supported by reasons. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval shall be stated.

b. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Water Conservation Board member.

c. The Water Conservation Board may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions and findings in support of any motion.

6.4 Voting. All Water Conservation Board members, including the Chair, are entitled to vote. No Water Conservation Board member shall discuss or vote on any matter except after attending the public meeting(s) and/or hearing(s) on the matter and listening to all testimony presented. A member may qualify to participate in further discussion and vote on the matter by examining the evidence and reviewing the record of the meeting(s) and/or hearing(s) at which the member was absent.
6.5 Rules of Order. In accordance with these rules, the Chair shall decide all points of procedure and order unless otherwise directed by a majority vote of the members in attendance.

6.6 Conduct During Public Hearings. During all meetings and hearings, persons providing testimony shall proceed without interruption except that of the Water Conservation Board. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individuals. The Chair shall maintain order and decorum, and, to that end, may order removal of disorderly or disruptive persons.

ARTICLE 7 - ELECTRONIC MEETINGS

A. Electronic Meetings Authorized. Water Conservation Board members, and/or City staff may participate in a meeting of the Water Conservation Board electronically as provided in this Article. All actions taken at an electronic meeting held in compliance with this Article are valid and binding to the same extent as if all participants had been physically present at the anchor location.

B. Definitions. The definitions in Utah Code Annotated §52-4-103, the Open and Public Meetings Act, shall apply to this Article with the addition of the following definitions:

1. “Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.

2. “Appointed officials” means the Water Conservation Board members.

3. “Remote location” means any place, other than the anchor location, where a Water Conservation Board member or City staff may be located, and where meeting participants can establish real-time audio and/or video telecommunication access to the meeting.

C. Quorum for Electronic Meetings.

1. As otherwise defined in this chapter, a majority of the Water Conservation Board constitutes a quorum for the transaction of business. A quorum of the Water Conservation Board must be present to convene an electronic meeting but need not be present at the anchor location. Water Conservation Board members and/or City staff may participate in an electronic meeting from a remote location.

2. Water Conservation Board members participating in an electronic meeting from a remote location shall be considered present and are authorized to vote and otherwise participate in the meeting as if they were present at the anchor location.

3. In the event of an equipment failure, or other similar event which causes an interruption of communication with a remote location, the Water Conservation Board has discretion to either:
(a) act on the matters up for consideration on its agenda provided that a quorum is still present; or (b) continue the matter to a subsequent meeting.

D. Procedures for Electronic Meetings.

1. Notice of any electronic meeting of the Water Conservation Board shall be given in the same manner as provided for all other Water Conservation Board meetings except that the notice shall indicate that the meeting will be electronic and shall comply with Utah Code Annotated 52-4-207(3)(b) which requires: “notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and a description of how the members will be connected to the electronic meeting.”

2. Meeting procedures for electronic meetings of the Water Conservation Board shall be the same as for non-electronic meetings, except as noted below.

3. Water Conservation Board members and City staff shall be connected in such a manner that comments made by them will be broadcast to the public. The Recorder will take a verbal roll-call for elected officials present. The presiding officer shall allow remote participants to participate in the discussion to the same extent as if they were present at the anchor location.

4. Matters called to a vote in an electronic meeting shall be via roll-call vote, and Water Conservation Board members (if applicable) participating from a remote location must state their name and their vote audibly when asked by the Recorder.

5. Minutes of all meetings shall record the presence of members participating through electronic means.

6. Water Conservation Board members may participate in a closed session of the Water Conservation Board via electronic means. The closed session will be recorded as allowed by this Article but will not be broadcast.

7. All electronic meetings of the Water Conservation Board shall be chaired by the presiding officer whether at the anchor location or whether participating remotely.

ARTICLE 87 – AMENDING BY-LAWS

87.1 Amending By-Laws. These by-laws may be amended by a majority vote of the Water Conservation Board, except where such amendments would be contrary to the requirements or limitations set forth by State Law or Moab Municipal Code. An amendment may be proposed at any regular meeting of the Water Conservation Board. Members shall receive a copy of the proposed amended by-laws not less than one week prior to the meeting at which said proposed changes shall be heard.