

BYLAWS
OF
UTAH COMMUNICATIONS AGENCY NETWORK (UCAN)

These Bylaws of the Utah Communications Agency Network (hereinafter referred to as "UCAN") are adopted by the Board of UCAN and are dated and effective as of the date of adoption as indicated on the last page hereof. All undefined terms used herein shall have the same meanings as set forth in the Utah Communications Agency Network Act, Title 63C, Chapter 7, Utah Code Annotated 1953, as amended (the "Act").

ARTICLE I

POWERS OF UCAN

Section 1. UCAN shall have the power to:

- 1.1. sue and be sued in its own name;
- 1.2. have an official seal and alter that seal at will;
- 1.3. make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
- 1.4. own, acquire, construct, operate, maintain, and repair a communications network, and dispose of any portion of it;
- 1.5. borrow money and incur indebtedness;
- 1.6. issue bonds as provided in the Act;
- 1.7. enter into agreements with public agencies, the state, and federal government to provide communications network services on terms and conditions it considers to be in the best interest of its members;
- 1.8. acquire, by gift, grant, purchase, or by exercise of eminent domain, any real property or personal property in connection with the acquisition and construction of a communications network and all related facilities and rights of way which it owns, operates, and maintains;
- 1.9. contract with other public agencies, the state, or federal government to provide public safety communications services in excess of those required to meet the needs or requirements of its members and the state and federal government if:

1.9.1. it is determined by the Executive Committee to be necessary to accomplish the purposes and benefits of the Act; and

1.9.2. any excess is sold to other public agencies, the state, or federal government and is sold on terms that assure that the cost of providing the excess service will be received by UCAN; and

1.10. perform all other duties authorized by the Act.

ARTICLE II

MEETING OF GOVERNING BOARD

Section 1. Membership; Governing Board.

1.1. UCAN shall comprise Members as defined in the Act.

1.2. Membership in UCAN of each Member shall be evidenced by an originally executed copy of a membership resolution in substantially the form attached hereto as Exhibit A.

1.3. The Utah Communications Agency Network Board (the "Board") shall consist of one Member Representative duly selected by the Governing Body of each Member of UCAN. The Member Representative shall represent the respective Member at all future meetings of the Board of UCAN and shall serve as such Member's Representative at the discretion of the Governing Body of such Member. The affairs and business of UCAN shall be governed by the Board.

Section 2. Meetings of the Board.

2.1. Meetings of the Board of UCAN shall be held at the principal offices of UCAN or at such other places as the Executive Committee may from time to time determine. Meetings of the Board shall be held on an as needed basis called pursuant to the provisions of this Section; provided, however that a meeting of the Board shall be held at least annually, and should more than one meeting be held during each calendar year, one of the meetings shall be designated as the "Annual Meeting" of the Board. Written notice of the meetings of the Board of UCAN shall be given by the Secretary at least ten (10) days prior to the date set for such meeting, personally or by mail addressed to each Member Representative at his or her address as it appears on the current UCAN membership record. All meetings of the Board shall be held in compliance with the requirements of the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code Annotated 1953, as amended.

2.2. Meetings of the Board may be called (i) at any time by a majority of the Executive Committee, (ii) by the Chair in his or her discretion, or (iii) whenever so requested in writing by five (5) Member Representatives. No business other than that specified in the call for the meeting shall be transacted at any meeting of the Board.

2.3. The Board shall have all power, to the fullest extent possible, granted to it by the Act.

Section 3. Voting. At all meetings of the Board, each Member Representative of each Member is entitled to one vote.

Section 4. Quorum. For purposes of the organization of UCAN and until Members have an opportunity to enter into service contracts, leases or other financing obligations with UCAN, a quorum of the Governing Body of UCAN shall consist of at least 25% of the Representatives who are present at a UCAN meeting which Representative shall have been designated by resolutions adopted by Members to represent each respective Member. A quorum of the Board shall consist of at least twenty-five percent (25%) of the Member Representatives. Attendance at said meeting may be corporal or by means of electronic equipment. A quorum being present, the vote of fifty-one percent (51%) or more of the quorum shall be necessary for the transaction of any business of UCAN.

Section 5. Vote by Proxy. At all meetings of the Board, a Member Representative may vote in person or by proxy executed in writing by the Member Representative or by a duly authorized attorney-in-fact. Such proxy shall be filed with the Executive Committee before or at the time of the meeting. No proxy shall be valid after six months from the date of its execution, unless otherwise provided in the proxy.

Section 6. Waiver of Notice. Whenever the Board is authorized to take any action pursuant to the Act or these Bylaws, notice of the meeting at which such action takes place may be waived, in writing, before or after the holding of the meeting, by the person or persons entitled to such notice.

ARTICLE III

EXECUTIVE COMMITTEE

Section 1. Number and Qualification. The Board shall establish an Executive Committee composed of fifteen (15) individuals, ten (10) of whom shall be Member Representatives and five (5) of whom shall be State Representatives, to administer the affairs of UCAN subject to the provisions of the Act and the direction of the Board. The members of the Executive Committee shall be elected from the Board, shall be residents of the State of Utah, and shall be over the age of majority.

Section 2. How Elected.

2.1. Executive Committee Member Representatives. The Board shall elect ten (10) Executive Committee Member Representatives as follows:

2.1.1. At the first annual meeting of the Board, the Board shall elect ten (10) initial Executive Committee Member Representatives.

2.1.2. Five (5) of the initial Executive Committee Member Representatives elected by the Board shall serve for a term of two (2) years.

2.1.3. Five (5) of the initial Executive Committee Member Representatives elected by the Board shall serve for a term of four (4) years.

2.1.4. Each successor Executive Committee Member Representative shall serve for a term of four (4) years, or until his or her successor is elected, so that the term of office of five (5) Executive Committee Member Representatives expires every two (2) years.

2.1.5. Each Board Member Representative shall have one vote for each Executive Committee Member Representative position.

2.1.6. Executive Committee Member Representatives shall be elected by a majority of the votes cast, either in person or by proxy, at the annual meeting of the Board.

2.1.7. The Executive Committee Member Representatives shall be removable, with or without cause, by a majority vote of the Board. A vacancy on the Executive Committee for a Member Representative shall be filled for the unexpired term by a majority vote of the remaining Executive Committee Member Representatives.

2.1.8. The Board shall not elect Executive Committee Member Representatives except at its annual meetings.

2.2. Executive Committee State Representatives. Executive Committee State Representatives shall be appointed by the Governor as follows:

2.2.1. The Governor shall appoint four (4) Executive Committee State Representatives.

2.2.2. Two (2) of the initial Executive Committee State Representatives appointed by the Governor shall serve for a term of two (2) years.

2.2.3. Two (2) of the initial Executive Committee State Representatives appointed by the Governor shall serve for a term of four (4) years.

2.2.4. Each successor Executive Committee State Representative shall serve for a term of four (4) years, or until his or her successor is elected, so that the term of office of two (2) Executive Committee State Representatives expires every two (2) years.

2.2.5. The fifth Executive Committee State Representative shall be the Utah State Treasurer, who shall serve ex officio, or his or her designee.

2.2.6. Any vacancy on the Executive Committee for a State Representative shall be filled for the unexpired term by appointment by the Governor.

Section 3. Duties.

3.1. The Executive Committee shall have the control and general management of the affairs and business of UCAN, subject to the provisions of the Act and the direction of the Board.

3.2. The Executive Committee shall:

3.2.1. appoint an Executive Director to administer UCAN;

3.2.2. receive and act upon reports covering the operations of the communications network and funds administered by UCAN;

3.2.3. ensure that the communications network and funds are administered according to law;

3.2.4. examine and approve annual operating budget for UCAN;

3.2.5. serve as investment trustees of any funds of UCAN;

3.2.6. receive and act upon recommendations of the Chair;

3.2.7. recommend to the governor and Legislature any necessary or desirable changes in the statutes governing the communications network;

3.2.8. develop broad policies for the long-term operation of UCAN for the performance of its functions;

3.2.9. make and execute contracts and other instruments on behalf of UCAN, including agreements with Members and other entities;

3.2.10. authorize the borrowing of money, the incurring of indebtedness and the issuance of bonds;

3.2.11.adopt rules consistent with the Act for the management of the communications network in order to carry out the purposes of the Act; and

3.2.12.perform all other acts necessary for the administration of the communications network, to the fullest extent authorized by the Act.

3.3. The Executive Committee shall in all cases act as a board, regularly convened.

Section 4. Meetings of the Executive Committee. The Executive Committee shall meet from time to time on an as needed basis at the principal office of UCAN or at such other places as the Executive Committee may determine. Meetings of the Executive Committee may be attended corporally or electronically by the members thereof and shall be held in compliance with the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code Annotated 1953, as amended.

Section 5. Notice of Meetings. Notice of all meetings of the Executive Committee shall be given by service upon each Executive Committee member in person, in writing, by telephone, or by mailing to each Executive Committee member at his or her last known post office address, at least three days before the date designated for such meeting, including the day of mailing or a written or printed notice thereof, specifying the time and place of such meeting, and the business to be brought before the meeting. No business other than that specified in the notice of meeting shall be transacted at any meeting.

Section 6. Offices of Executive Committee. The Executive Committee shall elect annually one of its Member Representatives as Chair. The Executive Committee shall also elect a Vice Chair, Secretary, and Treasurer to perform. The Secretary and Treasurer need not be Member Representatives of the Executive Committee, but if they are not Executive Committee Member Representatives, they shall not have voting powers. The offices of Chair, Vice Chair, Secretary, and Treasurer shall be held by separate individuals.

Section 7. Voting. At all meetings of the Executive Committee, each voting member, including the Chair, shall have one vote.

Section 8. Quorum. At any meeting of the Executive Committee, nine (9) voting Representatives of the Executive Committee, either present, corporally or electronically, shall constitute a quorum for the transaction of business. In the event a quorum is not present, a lesser number may adjourn the meeting to some future time. A vote of a majority of the quorum at any meeting of the Executive Committee is necessary to take action on behalf of the Executive Committee.

Section 9. Waiver of Notice. Whenever the Executive Committee is authorized to take any action pursuant to the Act or these Bylaws, notice of the meeting

at which such action takes place may be waived, in writing, before or after the holding of the meeting, by the person or persons entitled to such notice.

ARTICLE IV

OFFICERS

Section 1. Election. All officers of UCAN shall be elected by the Executive Committee. If an officer is a Member Representative of the Executive Committee, such officer's term shall commensurate with such officer's membership on the Executive Committee, or as otherwise directed by the Executive Committee. If an officer is not a member of the Executive Committee, such officer's term shall be as determined by the Executive Committee. The Chair and Vice-Chair shall be elected from the Member Representatives of the Executive Committee. The Secretary, Treasurer, and Executive Director may, but need not, be selected from the Executive Committee. The Executive Committee may appoint such other officers, agents, and employees as it shall deem necessary who shall have such authority and shall perform such duties as from time to time shall be prescribed by the Executive Committee.

Section 2. Duties of Officers. The duties and powers of the officers of UCAN shall be as follows:

2.1. Chair. The duties and powers of the Chair shall be as follows:

2.1.1. Chair shall preside at all meetings of the Executive Committee and of the Board.

2.1.2. The Chair shall present at least annually to a meeting of the Board and Executive Committee a report of the condition of UCAN.

2.1.3. The Chair shall cause to be called meetings of the Board and Executive Committee pursuant to the provisions of these Bylaws.

2.1.4. The Chair shall appoint and remove, employ and discharge, and fix the compensations of all agents, employees and clerks of UCAN other than the duly elected officers of UCAN, subject to the approval of the Executive Committee.

2.1.5. The Chair shall sign and make all contracts and agreements in the name of UCAN.

2.1.6. The Chair shall see that the books, reports, statements and certificates required by statutes are properly kept, made and filed according to law, including a budget for UCAN.

2.1.7. The Chair shall sign all bonds, notes, drafts or bills of exchange, warrants or other orders for the payment of money duly drawn by the Treasurer.

2.1.8. The Chair shall enforce these Bylaws and perform all the duties incident to the position and office, and which are required by law.

2.2. Vice-Chair. During the absence of the Chair or while the Chair is otherwise unable to render and perform his or her duties or exercise his or her powers, as set forth in these Bylaws, the same shall be performed and exercised by the Vice-Chair; and when so acting, the Vice-Chair shall have all the powers and be subject to all the responsibilities hereby given to or imposed upon the Chair.

2.3. Secretary. The duties and powers of the Secretary shall be as follows:

2.3.1. The Secretary shall keep the minutes of the meetings of the Board and of the Executive Committee in appropriate books, and shall give and serve all notices of such meetings.

2.3.2. The Secretary shall be custodian of the records and of the seal, and affix the latter when required.

2.3.3. The Secretary shall keep a membership record to show at all time the Members and Representatives and their respective post office addresses.

2.3.4. The Secretary shall attest and fix the seal of UCAN to all UCAN bonds, notes, deeds, certificates, and the like.

2.3.5. The Secretary shall perform all the duties incident to the office of Secretary.

2.3.6. The Secretary shall have authority to countersign all bills payable, notes, checks, drafts, warrants, or other negotiable instruments as provided in Article VI, Section 1 of these Bylaws.

2.3.7. The Secretary shall maintain a UCAN membership record, and shall update said record as Members join or withdraw from UCAN.

2.4. Treasurer. The powers and duties of the Treasurer shall be as follows:

2.4.1. The Treasurer shall have the care and custody of and be responsible for all the funds and securities of UCAN, and shall deposit all such funds in

the name of UCAN in such bank or banks, trust company or trust companies or safety deposit vaults as the Executive Committee may designate.

2.4.2. The Treasurer shall sign, make and endorse in the name of UCAN all checks, drafts, warrants and orders for the payment of money, and pay out and dispose of the same, and receipt therefor, under the direction of the Chair of the Executive Committee.

2.4.3. The Treasurer shall exhibit at all reasonable times his or her books and accounts to any member of the Executive Committee upon application at the office of UCAN during regular business hours.

2.4.4. The Treasurer shall render a statement of the conditions of the finances of UCAN at least annually to the Executive Committee and at such other times as shall be required of the Treasurer, and shall render a full financial report and proposed budget of UCAN at least annually to the Board.

2.4.5. The Treasurer shall keep at the office of UCAN correct books of account of all its business transactions and such other books of account as the Executive Committee may require.

2.4.6. The Treasurer shall have authority to countersign all bills payable, notes, checks, drafts, warrants, or other negotiable instruments as provided in Article VI, Section 1 of these Bylaws.

2.4.7. The Treasurer shall do and perform all duties appertaining to the office of Treasurer.

2.5. Executive Director. The Executive Director shall act as the executive officer of UCAN. The Executive Director shall assist the Executive Committee with all administrative matters, including, but not limited to:

2.5.1. recommending to the Executive Committee any necessary or desirable changes in the statutes affecting UCAN;

2.5.2. recommending an annual administrative budget covering administration, management and operations of the communications network, upon approval of the Executive Committee; and

2.5.3. directing and controlling the subsequent expenditures of the budget, and within the limitations of the budget, employ staff personnel, consultants, and legal counsel to provide professional services and advice regarding the administration of UCAN.

2.5.4. Unless the Executive Director is otherwise a member of the Executive Committee, the Executive Director shall have no vote in the governance of UCAN. The Executive Director may also be the Secretary or the Treasurer if the Executive Committee so decides.

2.5.5. The Executive Director shall also assist the Executive Committee and Treasurer in the preparation of an annual budget for UCAN. To the extent applicable, such budget shall comply with the provisions of the Uniform Fiscal Procedures Act for Counties, Title 17, Chapter 36, Utah Code Annotated 1953, as amended.

Section 3. Bond. The Treasurer shall, if required by the Executive Committee, provide such security for the faithful discharge of his or her duties as the Executive Committee may direct.

Section 4. Vacancies. All vacancies in any office of UCAN shall be filled by the Executive Committee without undue delay. In the case of the absence of any officer of UCAN for any other reason that it may deem sufficient, the Executive Committee may, except as specifically provided otherwise herein, temporarily delegate the powers or duties of such officers to any other officer, provided a majority of the Executive Committee concur with such action.

Section 5. Compensation of Officers. The officers of UCAN shall receive such salary or compensation as may be determined by the Executive Committee, subject to at least annual review by the Board. Members of the Executive Committee who are not governmental employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the Member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 or may decline to receive per diem and expenses for their service. State government officer and employee members of the Executive Committee who do not receive salary, per diem, or expenses from their agency for their service, may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Section 63A-3-106 and 63A-3-107 or may decline to receive per diem and expenses for their service. Local government members of the Executive Committee who do not receive salary, per diem, or expenses from the entity they represent for their service may receive per diem and expenses incurred in performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107 or may decline to receive per diem and expenses for their service.

Section 6. Removal of Officers. The Executive Committee may remove any officer at any time, with or without cause, by majority vote.

ARTICLE V

SEAL

The seal of UCAN shall be as follows:

ARTICLE VI

BILLS, NOTES, ETC.

All bills payable, notes, checks, drafts, warrants or other negotiable instruments of UCAN shall be made in the name of UCAN and shall be signed by the Chair or Vice-Chair and countersigned by the Secretary or Treasurer. No officer or agent of UCAN, either singly or jointly with others, shall have the power to make any bills payable, note, check, draft or warrant or other negotiable instrument, or endorse the same in the name of UCAN, or contract or cause to be contracted any debt or liability in the name of UCAN, except as herein expressly prescribed and provided.

ARTICLE VII

AMENDMENTS

These Bylaws may be altered, amended, repealed or added to upon approval by and recommendation of the Executive Committee to the Board and by the majority vote of the Board represented at any meeting of the Board called for that purpose or included on the agenda of that meeting, provided that a quorum of the Board must be present at such meeting.

ARTICLE VIII

FISCAL YEAR

Section 1. Fiscal Year. The fiscal year of UCAN shall begin the first day of July and terminate on the next succeeding June 30.

Section 2. Principal Office of UCAN. The principal office of UCAN shall be determined by the Executive Committee.

ARTICLE IX

LIMITED LIABILITY

No liability against any Member, or any Member's general credit or taxing powers, or its officers, agents or employees, shall occur by reason of its membership in UCAN, the issuance of bonds or other evidence of indebtedness, the management of bond proceeds or the operations of UCAN or any other Member of UCAN. In addition, no Member of UCAN or any of its officers, agents or employees is obligated either directly or indirectly for the obligations of UCAN.

ARTICLE X

NOMINATING COMMITTEE

Not less than thirty (30) days prior to a meeting of the Board called for the purpose of electing any Executive Committee member, the Executive Committee shall appoint three Member Representatives to serve as a committee to select nominees for election to the Executive Committee. The nominees so selected, together with any nominations from the floor of the meeting of the Board, shall be the nominees for the Executive Committee. All then current members of the Executive Committee may be selected by the nominating committee as nominees.

UPON MOTION DULY MADE AND CARRIED, the foregoing Bylaws of UCAN were approved by the Board of UCAN at a duly called meeting thereof held on the 18th day of September, 1997.

Chair

Secretary

[SEAL]

STATE AND LOCAL PUBLIC SAFETY 800

MEGAHERTZ PROJECT

1997 GENERAL SESSION

STATE OF UTAH

Sponsor: Blake D. Chard

Wayne A. Harper

AN ACT RELATING TO STATE INSTITUTIONS; ESTABLISHING AN INDEPENDENT STATE AGENCY CALLED THE UTAH COMMUNICATIONS AGENCY NETWORK TO PROVIDE FOR GOVERNMENTAL PUBLIC SAFETY COMMUNICATIONS SERVICES AND FACILITIES; ALLOWING PARTICIPATION IN THE RISK MANAGEMENT FUND; SPECIFYING THE POWERS AND PURPOSES OF THE NETWORK; PROVIDING DEFINITIONS; ESTABLISHING THE BOARD AND EXECUTIVE COMMITTEE AND ENACTING PROVISIONS FOR THEIR GOVERNANCE; PROVIDING FOR AN EXECUTIVE DIRECTOR; OUTLINING THE DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR; PERMITTING THE CONVEYANCE OR ACQUISITION OF PROPERTY BY THE NETWORK; RECOGNIZING THE PROPERTY AND FUNDS OF THE NETWORK TO BE PUBLIC PROPERTY AND EXEMPT FROM TAXES; PROVIDING FOR THE DISSOLUTION OF THE NETWORK, AND THE REMOVAL OF A MEMBER; AUTHORIZING BONDING; ENACTING PROVISIONS RELATED TO BONDING; PROVIDING FOR INVESTMENT OF NETWORK FUNDS; EXEMPTING THE NETWORK FROM CERTAIN ACTS; PROVIDING FOR CERTAIN REPORTING; PROVIDING THAT THE LEGISLATURE MAY PROVIDE AN APPROPRIATION FOR THE RESERVE FUNDS FOR DEBT SERVICE; ENACTING PROVISIONS RELATING TO DEBT SERVICE; AND REQUIRING THE GOVERNOR TO INCLUDE THE STATE'S PORTION OF THE NETWORK'S BUDGET IN HIS BUDGET.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-38-2, as last amended by Chapter 136, Laws of Utah 1996

officer of each house of the Legislature together with a schedule for all of the proposed appropriations of the budget, clearly itemized and classified.

(b) The budget message shall include a projection of estimated revenues and expenditures for the next fiscal year.

(2) At least 34 days before the submission of any budget, the governor shall deliver a confidential draft copy of his proposed budget recommendations to the Office of the Legislative Fiscal Analyst.

(3) (a) The budget shall contain a complete plan of proposed expenditures and estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

(b) The budget may be accompanied by a separate document showing proposed expenditures and estimated revenues based on changes in state tax laws or rates.

(4) The budget shall be accompanied by a statement showing:

(a) the revenues and expenditures for the last fiscal year;

(b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds of the state;

(c) an estimate of the state's financial condition as of the beginning and the end of the period covered by the budget;

(d) a complete analysis of lease with an option to purchase arrangements entered into by state agencies;

(e) the recommendations for each state agency for new full-time employees for the next fiscal year; which recommendation should be provided also to the State Building Board under Subsection 63A-5-103(2);

(f) any explanation the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and

(g) the information detailing certain regulatory fee increases required by Section 63-38-3.2.

(5) The budget shall include an itemized estimate of the appropriations for:

(a) the Legislative Department as certified to the governor by the president of the Senate and

as the governor may direct.

(B) These guidelines may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.

(b) The estimate for the Legislative Department as certified by the presiding officers of both houses shall be included in the budget without revision by the governor. Before preparing the estimates for the Legislative Department, the Legislature shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) the Legislature's implementation of information technology goals;
- (ii) any coordination of information technology with other departments of state and local government;
- (iii) any efforts to develop public/private partnerships to accomplish information technology goals; and
- (iv) any performance measures used by the entity for implementing information technology goals.

(c) The estimate for the Judicial Department, as certified by the state court administrator, shall also be included in the budget without revision, but the governor may make separate recommendations on it. Before preparing the estimates for the Judicial Department, the state court administrator shall report to the Information Technology Commission the proposed information technology expenditures and objectives, the proposed appropriation requests and other sources of revenue necessary to fund the proposed expenditures, including an analysis of:

- (i) the Judicial Department's information technology goals;
- (ii) coordination of information technology statewide between all courts;
- (iii) any efforts to develop public/private partnerships to accomplish information technology goals; and
- (iv) any performance measures used by the entity for implementing information technology goals.

(8) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.

(9) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.

(10) (a) In submitting the budget for the Departments of Health and Human Services, the governor shall consider a separate recommendation in his budget for funds to be contracted to:

(i) local mental health authorities under Section 17A-3-606;

(ii) local substance abuse authorities under Section 62A-8-110.5;

(iii) area agencies on aging under Section 62A-3-104.2;

(iv) programs administered directly by and for operation of the Divisions of Mental Health, Substance Abuse, and Aging and Adult Services; and

(v) local health departments under Title 26A, Chapter 1, Local Health Departments.

(b) In his budget recommendations under Subsections (a)(i), (ii), and (iii), the governor shall consider an amount sufficient to grant local health departments, local mental health authorities, local substance abuse authorities, and area agencies on aging the same percentage increase for wages and benefits that he includes in his budget for persons employed by the state.

(c) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (b), he shall include a message to the Legislature regarding his reason for not including that amount.

(11) (a) In submitting the budget for the Division of Services for People with Disabilities within the Department of Human Services, the governor shall consider an amount sufficient to grant employees of private nonprofit corporations that contract with that division, the same percentage increase for cost-of-living that he includes in his budget for persons employed by the state.

(b) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (a), he shall include a message to the Legislature regarding his reason for not including that amount.

(12) The governor shall include the projected revenues and expenditures for collecting the uniform fee and other motor vehicle fees under Section 59-2-406 in the 1996-97 fiscal year budget.

(1) "Board" means the Utah Communications Agency Network Board created in Section 63C-7-201.

(2) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase agreements, or other evidences of indebtedness or borrowing issued or incurred by the Utah Communications Agency Network pursuant to this chapter.

(3) "Communications network" means a regional or statewide public safety governmental communications network and related facilities, including real property, improvements, and equipment necessary for the acquisition, construction, and operation of the services and facilities.

(4) "Effective date" means the first date after which the Utah Communications Agency Network is officially created and shall be the first date after which:

(a) at least ten public agencies have submitted to the Utah Communications Agency Network office the membership resolutions required to become a member; and

(b) the governor has appointed the four state representatives to the executive committee.

(5) "Executive Committee" means the administrative body of the Utah Communications Agency Network created in Section 63C-7-205.

(6) "Lease" means any lease, lease purchase, sublease, operating, management, or similar agreement.

(7) "Member" means a public agency which:

(a) adopts a membership resolution to be included within the Utah Communications Agency Network; and

(b) submits an originally executed copy of an authorizing resolution to the Utah Communications Agency Network office.

(8) "Member representative" means a person or that person's designee appointed by the governing body of each member.

(9) "Public agency" means any political subdivision of the state, including cities, towns, counties, school districts, and special districts dispatched by a public safety answering point.

(10) "Public safety answering point" means an organization, entity, or combination of entities which have joined together to form a central answering point for the receipt, management,

The Utah Communications Agency Network shall have the power to:

- (1) sue and be sued in its own name;
- (2) have an official seal and power to alter that seal at will;
- (3) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter, including contracts with private companies licensed under Title 26, Chapter 8, Emergency Medical Services System Act;
- (4) own, acquire, construct, operate, maintain, and repair a communications network, and dispose of any portion of it;
- (5) borrow money and incur indebtedness;
- (6) issue bonds as provided in this chapter;
- (7) enter into agreements with public agencies, the state, and federal government to provide communications network services on terms and conditions it considers to be in the best interest of its members;
- (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real property or personal property in connection with the acquisition and construction of a communications network and all related facilities and rights-of-way which it owns, operates, and maintains;
- (9) contract with other public agencies, the state, or federal government to provide public safety communications services in excess of those required to meet the needs or requirements of its members and the state and federal government if:
 - (a) it is determined by the executive committee to be necessary to accomplish the purposes and realize the benefits of this chapter; and
 - (b) any excess is sold to other public agencies, the state, or federal government and is sold on terms that assure that the cost of providing the excess service will be received by the Utah Communications Agency Network; and
- (10) perform all other duties authorized by this chapter.

Section 8. Section 63C-7-203 is enacted to read:

63C-7-203. Establishment of the Utah Communications Agency Network Board --

unexpired term by appointment by the governor.

(3) (a) Five of the initial member representatives of the executive committee elected by the board shall serve for two years and five shall serve for four years. Successor member representatives of the executive committee shall each serve for a term of four years, so that the term of office of five member representatives expires every two years.

(b) The member representatives of the executive committee shall be removable, with or without cause, by a majority vote of the board. A vacancy on the executive committee for a member representative shall be filled for the unexpired term by a majority of the remaining member representatives of the executive committee.

(4) The executive committee shall elect annually one of its members as chair.

(5) The executive committee shall meet on an as-needed basis and as provided in the bylaws.

(6) The executive committee shall also elect a vice chair, secretary, and treasurer to perform those functions provided in the bylaws.

(a) The vice chair shall be a member of the executive committee.

(b) The secretary and treasurer need not be members of the executive committee, but shall not have voting powers if they are not members of the executive committee.

(c) The offices of chair, vice chair, secretary, and treasurer shall be held by separate individuals.

(7) Each member representative and state representative shall have one vote, including the chair, at all meetings of the executive committee.

(8) Nine members of the executive committee constitute a quorum. A vote of a majority of the quorum at any meeting of the executive committee is necessary to take action on behalf of the executive committee.

Section 11. Section **63C-7-206** is enacted to read:

63C-7-206. Executive committee -- Powers and duties.

The executive committee shall:

(1) manage the affairs and business of the Utah Communications Agency Network consistent with this chapter;

Communications Agency Network:

(4) recommend to the executive committee any changes in the statutes affecting the Utah

Communications Agency Network:

(5) recommend to the executive committee an annual administrative budget covering administration, management, and operations of the communications network and, upon approval of the executive committee, direct and control the subsequent expenditures of the budget; and

(6) within the limitations of the budget, employ staff personnel, consultants, and legal counsel to provide professional services and advice regarding the administration of the Utah

Communications Agency Network

Section 13. Section 63C-7-208 is enacted to read:

63C-7-208. Property and funds of the Utah Communications Agency Network declared public property -- Exemption from taxes -- Alternative agreement with public body.

(1) The property and funds of the Utah Communications Agency Network are declared to be public property used for essential public and governmental purposes.

(2) The property and the Utah Communications Agency Network are exempt from all taxes and special assessments of any public body. This tax exemption does not apply to any portion of a project used for a profit-making enterprise.

Section 14. Section 63C-7-209 is enacted to read:

63C-7-209. Term of the Utah Communications Agency Network -- Dissolution -- Withdrawal.

(1) (a) The Utah Communications Agency Network may be dissolved by a vote of 3/4 of all the members of the board or by an act of the Legislature.

(b) Title to all assets of the Utah Communications Agency Network upon its dissolution shall revert to the members and the state pro rata, based upon the total amount of moneys paid to the Utah Communications Agency Network by each member or the state for services provided to each by the communications network.

(c) The board is authorized to:

(i) take any necessary action to dissolve the Utah Communications Agency Network; and

year, submit an annual report of its activities for the preceding year to the governor and the Legislature. Each report shall set forth a complete operating and financial statement of the agency during the fiscal year it covers.

(2) The state auditor shall at least once in each year audit the books and accounts of the Utah Communications Agency Network or shall contract with an independent certified public accountant for this audit. The audit shall include a review of the procedures adopted under the requirements of Subsection 67C-7-210(2) and a determination as to whether the board has complied with the requirements of Subsection 67C-7-210(2).

(3) The Utah Communications Agency Network shall reimburse the state auditor from available moneys of the Utah Communications Agency Network for the actual and necessary costs of that audit.

Section 17. Section 63C-7-301 is enacted to read:

Part 3. Bonding

63C-7-301. Bond authorized -- Payment -- Security -- Liability -- Purpose -- Exemption from certain taxes.

(1) The Utah Communications Agency Network may:

(a) issue bonds from time to time for any of its corporate purposes provided in Section 63C-7-102;

(b) issue refunding bonds for the purpose of paying or retiring bonds previously issued by it;

(c) issue bonds on which the principal and interest are payable:

(i) exclusively from the income, purchase or lease payments, and revenues of all or a portion of the communications network; or

(ii) from its revenues generally.

(2) Any bonds issued by the Utah Communications Agency Network may be additionally secured by a pledge of any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal government or other source, or a pledge of any income or revenue of the Utah Communications Agency Network.

part of the contract for the security of bonds and have the force of contract, by virtue of this part and without the necessity of this being restated in the bonds, between the bondholders, including all transferees of the bonds, and the Utah Communications Agency Network and the state.

Section 18. Section 63C-7-302 is enacted to read:

63C-7-302. Bonds to be authorized by resolution -- Form -- Sale -- Negotiability --

Validity presumed.

(1) Bonds of the Utah Communications Agency Network shall:

(a) be authorized by resolution of the executive committee and may be issued in one or more series;

(b) bear dates, mature, bear interest rates, be in denominations, be either coupon or registered, carry conversion or registration privileges, have rank or priority, be executed, and be payable; and

(c) be subject to terms of redemption, with or without premium, as the resolution or its trust indenture provides.

(2) The bonds may bear interest at a fixed or variable interest rate as the resolution provides. The resolution may establish a method, formula, or index pursuant to which the interest rate on the bonds may be determined from time to time.

(3) In connection with the bonds, and on behalf of the Utah Communications Agency Network, the executive committee may authorize and enter into agreements or other arrangements with financial, banking, and other institutions for letters of credit, standby letters of credit, surety bonds, reimbursement agreements, remarketing agreements, indexing agreements, tender agent agreements, and other agreements to secure the bonds, to enhance the marketability and creditworthiness of the bonds, to determine a fixed or variable interest rate on the bonds, and to pay from any legally available source, including the proceeds of the bonds, of fees, charges, and other amounts coming due with respect to any such agreements.

(4) The bonds may be sold at public or private sale in a manner and at prices, either at, in excess of, or below par value as provided by resolution of the executive committee.

(5) If members or officers of the Utah Communications Agency Network whose signatures

- (b) the issuance of bonds in escrow or otherwise;
- (c) the use and disposition of the bond proceeds;
- (d) the insurance to be carried on the property in Subsection (3)(f) and the use and disposition of insurance moneys; and
- (e) the rights, liabilities, powers, and duties arising upon its breach of any covenant, condition, or obligation;
- (5) provide for the replacement of lost, destroyed, or mutilated bonds;
- (6) covenant for the redemption of the bonds and provide the terms and conditions for their redemption;
- (7) create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes; and
- (8) prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the number of bondholders of outstanding bonds which must consent to the action, and the manner in which consent shall be given;
- (9) covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;
- (10) vest in any obligee of the Utah Communications Agency Network or any specified proportion of them the right:

 - (a) to enforce the payment of bonds or any covenants securing or relating to the bonds;
 - (b) after default by the Utah Communications Agency Network to:

 - (i) take possession of and use, operate, and manage any facilities or any part of it or any funds connected with the facilities and funds, and collect the revenues arising from them; and
 - (ii) dispose of the facilities and funds in accordance with the agreement with the Utah Communications Agency Network;
- (11) provide the:

 - (a) powers and duties of an obligee and limit the obligee's liabilities; and
 - (b) terms and conditions upon which the obligees may enforce any covenant or rights

The state treasurer shall invest all moneys held on deposit by or on behalf of the Utah Communications Agency Network. The executive committee may provide advice to the state treasurer concerning investment of the moneys of the Utah Communications Agency Network.

Section 22. Section 63C-7-306 is enacted to read:

63C-7-306. Publication of notice, resolution, or other proceeding -- Contest.

(1) The executive committee of the Utah Communications Agency Network may provide for the publication of any resolution or other proceedings adopted under this chapter in a newspaper of general circulation within the state.

(2) In case of a resolution or other proceeding providing for the issuance of bonds, the executive committee may, in lieu of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued containing:

(a) the name of the issuer;

(b) the purpose of the issue;

(c) the type of bonds and the maximum principal amount which may be issued;

(d) the maximum number of years over which the bonds may mature;

(e) the maximum interest rate which the bonds may bear, if any;

(f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold; and

(g) the times and place where a copy of the resolution or other proceeding may be examined which shall be at the principal office of the Utah Communications Agency Network during regular business hours and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after the publication, any person in interest may contest the legality of the resolution or proceeding, any bonds which may be authorized by the resolution or proceeding, or any provision made for the security and payment of the bonds by filing a pleading with the district court for the city in which the Utah Communications Network maintains its principal office.