

MEMORANDUM

TO: UTILITY SPECIAL DISTRICT BOARD

FROM: ANDREW DEGRAFFENREIDT, CITY ATTORNEY *AD*

CC: JONATHAN E. EVANS, CITY MANAGER

DATE: AUGUST 9, 2017

RE: POWER AND AUTHORITY OF UTILITY SPECIAL DISTRICT -
UTILITY DIRECTOR

The Utility Special District is a District created under Ordinance No. 2972. Since its inception the Board of Directors have intended and treated the Utility Special District as a City department under the direction and supervision of the City Manager. All previous directors have been appointed and supervised by the City Manager pursuant to the service agreement between the District and the City that indicates in that agreement that it would provide for the District a Utilities Director.

Because the District is a separate legal entity. Under the statute and ordinance creating the district, the power and authority to create and appoint a "Utility Director" is vested in Utility Board. While the Board can delegate that authority to the City and the City Manager, that action, although clearly intended, has never been taken due to an oversight in the initial establishment of the relationship between the District and the Board.

The technical oversight is easily resolved by the adoption of the attached resolution.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Attachments

AD:syj