

**PLANETARIUM BOARD OF DIRECTORS**

**AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gene Davis**

**This act modifies the County Code by amending provisions relating to planetariums. The act moves the power to contract for planetarium facilities and equipment and the power to appoint the planetarium board from the county legislative body to the county executive.**

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

AMENDS:

**17-37-2**, as last amended by Chapter 98, Laws of Utah 1991

**17-37-4**, as last amended by Chapter 227, Laws of Utah 1993

**17-37-7**, as last amended by Chapter 227, Laws of Utah 1993

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-37-2** is amended to read:

**17-37-2. Planetarium board of directors -- Establishment -- Expenses.**

(1) Upon the establishment of a county planetarium under the provisions of this chapter or upon the determination of the county [~~legislative body~~] executive to contract for planetarium facilities and equipment and other planetarium services, the county [~~legislative body~~] executive shall:

(a) with the advice and consent of the county legislative body, appoint a planetarium board of directors, chosen at large based upon fitness for the office; and

(b) determine the number of people to serve as the board of directors.

(2) Members of the county legislative body may serve on the board of directors, [~~as ex officio nonvoting members;~~] but not more than one member of the county legislative body may be a member of the board at any one time.

(3) Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the county planetarium fund.

Section 2. Section **17-37-4** is amended to read:

**17-37-4. Delegation of management and control authority to directors by county legislative body -- Contract or lease with private entity for management -- Deposit of money collected -- Expenditures -- Recommendations by directors to county legislative body.**

(1) Upon the appointment of a planetarium board of directors, the county [~~legislative body~~] executive may delegate to the board of directors the authority to manage and control the functions, activities, operations, maintenance, and repair of any county planetarium, and shall include in its delegation the authority to approve and control all expenditures from the county planetarium fund. Any delegation of authority made to the board of directors under this section shall [~~be by resolution of the county legislative body, and shall~~] at all times be subject to the ultimate authority and responsibility of the county [~~legislative body~~] executive for the management and control of all county funds and properties as conferred upon that board by general law applicable to counties.

(2) Upon the recommendation of the board of directors, the county may enter into a contract or lease agreement with a private organization or entity for partial or full management, operation and maintenance of any county planetarium and for other planetarium services, which may include providing the physical facilities and equipment for the operation of a planetarium. A contract or lease for such purposes shall not extend for more than a four-year period and shall be subject to annual review by the board of directors to determine if performance is in conformance with the terms of the contract or lease and to establish the level of the subsequent funding pursuant to the contract or lease.

(3) All money collected from a county planetarium tax levy shall be deposited in the county treasury to the credit of the county planetarium fund. All money collected from operations of or from donations to any planetarium owned and operated by the county shall also be deposited in the county treasury to the credit of the planetarium fund. Any money collected from operations of a planetarium by a contracting party or lessee shall be used or deposited as the contract or lease may provide. Income or proceeds from any investment by the county treasurer of county planetarium funds shall be credited to the county planetarium fund and used only for planetarium purposes.

(4) Expenditures from the county planetarium fund shall be drawn upon by the authorized officers of the county upon presentation of properly authenticated vouchers or documentation of the board of directors or other appropriate planetarium official. The fund shall not be used for any

purpose other than to pay the costs of acquiring, constructing, operating, managing, equipping, furnishing, maintaining or repairing a planetarium, including appropriate, reasonable and proportionate costs allocated by the county for support of the planetarium, or to pay the cost of financing and funding a contract or lease agreement for facilities, equipment, management, operation, and maintenance of a planetarium.

(5) The board of directors shall provide recommendations to the county [~~legislative body~~ executive] with respect to the purchase, lease, exchange, construction, erection, or other acquisition of land, real property improvements, and fixtures or the sale, lease, exchange, or other disposition of land, real property improvements, and fixtures for the use or benefit of a county planetarium.

Section 3. Section **17-37-7** is amended to read:

**17-37-7. Annual report -- Financial statement.**

To the extent that independent accounting records are prepared and maintained by the planetarium, the planetarium board of directors shall make, or in the case of a contracting entity, require that there be made, an annual report to the county executive and the county legislative body on the condition and operation of the planetarium, including a financial statement. The financial statement shall be prepared in accordance with generally accepted accounting principles consistently applied and shall be reviewed by the county auditor. The planetarium shall be included in the annual audit of the county conducted by an independent public accountant as required by Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities.