

Tooele, Utah

January 28, 2003

A regular meeting of the Board of County Commissioners of Tooele County, Utah, (the "Board") was held on Tuesday, January 28, 2003, at 3:00 p.m. There were present at said meeting the following members:

Dennis Rockwell	Chair
Matt Lawrence	Commissioner
<del>Gene D. White</del>	<del>Commissioner</del>

Also present:

Dennis D. Ewing	County Clerk
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Absent:

<i>Gene D. White</i>	<i>Commissioner</i>
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After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Commission a Certificate of Compliance with Open Meeting Law with respect to this January 28, 2003 meeting, a copy of which is attached hereto as Exhibit "A".

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissionmember Lawrence and seconded by Commissionmember Rockwell adopted by the following vote:

YEA: *Commissioner Lawrence*  
*Commissioner Rockwell*

NAY:

The resolution was then signed by the Chair in open meeting and recorded by the County Clerk in the official records of Tooele County, Utah. The resolution is as follows:

RESOLUTION NO. 2003-03

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2003, OF TOOELE COUNTY, UTAH, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR A PLEDGE OF LOCAL SALES AND USE TAX REVENUES FOR REPAYMENT OF THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, the County Commission (the "Commission") of Tooele County, Utah (the "Issuer"), desires to finance all or part of certain water facilities in connection with Desert Peak Recreational Facility and related improvements (the "Project"),

WHEREAS, pursuant to the provisions of the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the Issuer has authority to issue its Sales Tax Revenue Bonds, Series 2003 (the "Series 2003 Bonds") for the purposes set forth herein; and

WHEREAS, the Act provides that prior to issuing bonds secured by sales tax moneys, an issuing entity must (i) give notice of its intent to issue such Series 2003 Bonds and (ii) hold a public hearing to receive input from the public with respect to the issuance of the Series 2003 Bonds;

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing with respect to the Series 2003 Bonds, including a notice of bonds to be issued, in compliance with the Act;

NOW, THEREFORE, it is hereby resolved by the County Commission of Tooele County, Utah, as follows:

Section 1. The County Commission of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents of Tooele County, Utah for the Issuer to issue not more than Two Million Five Hundred Thousand Dollars (\$2,500,000) aggregate principal amount of its Sales Tax Revenue Bonds, Series 2003 (or such other designation(s) as the Issuer may determine) bearing interest at a rate or rates not to exceed five and one-half percent (5.50%) per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof for the purpose of financing all or part of the Project all pursuant to this Resolution and a resolution(s) to be adopted by the

Issuer authorizing and confirming the issuance and sale of the Series 2003 Bonds (herein referred to as the "Final Bond Resolution") and a General Indenture dated as of April 1, 2003, (the "General Indenture"), attached as Exhibit "B", and Supplemental Indenture(s) (together with the General Indenture, the "Indenture") to be entered into at the time of issuance of the Series 2003 Bonds in substantially the form attached as Exhibit "C", and the Issuer hereby declares its intention to issue the Series 2003 Bonds (such bonds to be issued in one or more series as directed by the Issuer) according to the provisions of this Resolution, the Final Bond Resolution and the Indenture, when adopted, and to issue the Series 2003 Bonds.

Section 2. The Issuer proposes to pledge the Local Sales and Use Tax Funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, and the County Option Sales and Use Tax funds received by the Issuer pursuant to Title 59, Chapter 12, Part 11, Utah Code Annotated 1953, as amended, for repayment of the Series 2003 Bonds.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Series 2003 Bonds, pursuant to the provisions of this Resolution, the Indenture and the Final Bond Resolution to be adopted by the Issuer authorizing and confirming the issuance and sale of the Series 2003 Bonds, with such changes thereto as shall be approved by the Issuer upon the adoption of the Final Bond Resolution. The Series 2003 Bonds may be issued in one or more series and be sold from time to time, all as the Issuer may determine.

Section 4. The Issuer shall hold a public hearing on March 25, 2003, to receive input from the public with respect to the issuance of the Series 2003 Bonds, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is first published once a week for two consecutive weeks in the Tooele Transcript Bulletin, a newspaper of general circulation in the Issuer, with the Tooele Transcript Bulletin hereby designated as the Issuer's official newspaper pursuant to Sections 11-14-21 and 11-14-17.5 of the Act. The County Clerk shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The Issuer directs its officers and staff to publish a Notice of Public Hearing and Bonds to be Issued in substantially the following form:

## NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that on January 28, 2003, the County Commission (the "Commission") of Tooele County, Utah (the "Issuer") adopted a resolution (the "Resolution") declaring its intent to issue Sales Tax Revenue Bonds, Series 2003 (or such other designation(s) as the Issuer may determine) (the "Series 2003 Bonds") pursuant to the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and to call a public hearing to receive input from the public with respect to the issuance of the Series 2003 Bonds.

### TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on March 25, 2003, at the hour of 3:00 p.m. The location of the public hearing is at the Tooele County Courthouse, 47 South Main, Tooele, Utah. The purpose of the meeting is to receive input from the public with respect to the issuance of the Series 2003 Bonds. All members of the public are invited to attend and participate.

### PURPOSE FOR ISSUING SERIES 2003 BONDS

The Issuer intends to issue the Series 2003 Bonds for the purpose of financing all or a portion of the costs of certain water facilities in connection with the Deseret Peak Facility and related improvements and paying issuance expenses to be incurred in connection with the issuance and sale of the Series 2003 Bonds.

### PARAMETERS OF THE SERIES 2003 BONDS

The Issuer intends to issue the Series 2003 Bonds in the principal amount of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), bearing interest at a rate or rates not to exceed five and one-half percent (5.50%) per annum, to mature in not more than twenty years (20) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, plus accrued interest to the date of delivery.

### EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge all the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, and the County Option Sales and Use Tax funds received by the Issuer pursuant to Title 59, Chapter 12, Part 11, Utah Code Annotated 1953, as amended, for repayment of the Series 2003 Bonds.

The Series 2003 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, the General Indenture, Supplemental Indenture(s) (collectively, the "Indenture") and the Final Bond Resolution(s) which were before the Commission and attached to the Resolution in substantially final form at the time of the adoption of the Resolution and said Final Bond Resolution and Indenture are to be adopted by the Commission in such form and with such changes thereto as shall be

approved by the Commission upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity and discount of the Series 2003 Bonds will not exceed the maximums set forth above.

Copies of the Resolution, the Final Bond Resolution and the Indenture are on file in the office of the County Clerk of Tooele County, Utah in Tooele, Utah, where they may be examined during regular business hours of the County Clerk from 8:30 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Final Bond Resolution, the Indenture or the Series 2003 Bonds, or any provision made for the security and payment of the Series 2003 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (i) registered voters within Tooele County, Utah may sign a written petition requesting an election to authorize the issuance of the Series 2003 Bonds. If written petitions which have been signed by at least 20% of the registered voters of Tooele County, Utah, are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Series 2003 Bonds. If fewer than 20% of the registered voters of Tooele County, Utah, file a written petition during said 30-day period, the Issuer may proceed to issue the Series 2003 Bonds without an election.

DATED this January 28, 2003.

/s/ Dennis D. Ewing  
County Clerk

Publication Dates: February 4 and February 11, 2003

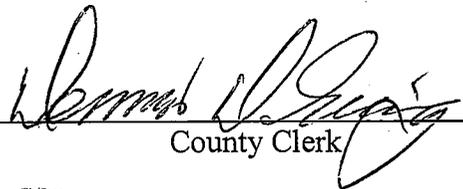
Section 5. The Commission hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project. The Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid.

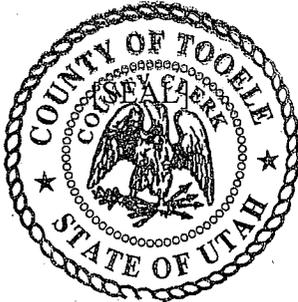
Section 6. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this January 28, 2003.

  
Chair

ATTEST:

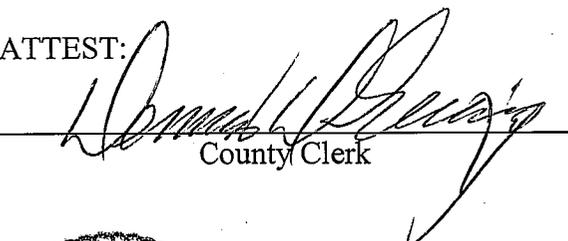
  
County Clerk

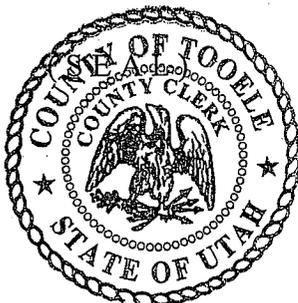


(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

  
Chair

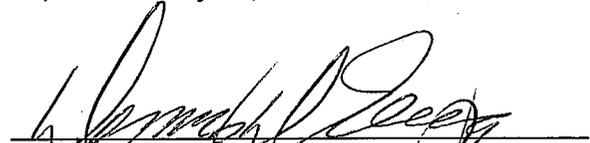
ATTEST:  
  
County Clerk

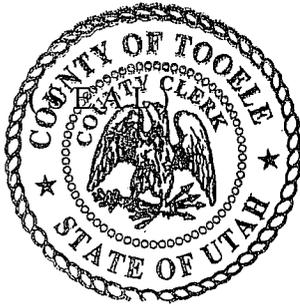


STATE OF UTAH )  
 : ss.  
COUNTY OF TOOELE )

I, Dennis Ewing, the duly appointed and qualified County Clerk of Tooele County, Utah, (the "Issuer") do hereby certify according to the records of said County Commission in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the County Commission held on January 28, 2003, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this January 28, 2003.

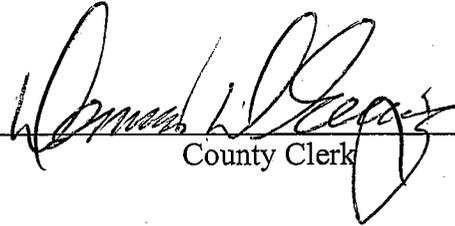
  
\_\_\_\_\_  
County Clerk



STATE OF UTAH    )  
                  : ss.  
COUNTY OF TOOELE    )

I, Dennis Ewing, the duly appointed and qualified County Clerk of Tooele County, Utah, (the "Issuer") do hereby certify that, pursuant to the Resolution, there was published once each week for two consecutive weeks in the Tooele County Bulletin, a newspaper having general circulation in Tooele County, Utah, a Notice of Bonds to be Issued, the affidavit of which publication is hereby attached.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this February 5, 2003.

  
\_\_\_\_\_  
County Clerk

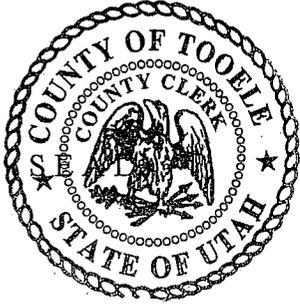


EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Dennis Ewing, the undersigned County Clerk of Tooele County, Utah (the "Issuer") do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the January 28, 2003, public meeting held by the County Commission as follows:

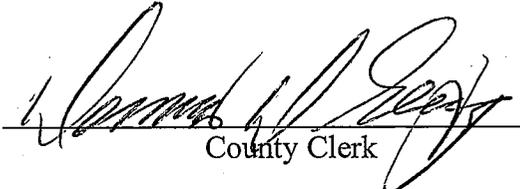
(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the principal offices of Tooele County on January 24, 2003, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to the Tooele County Bulletin, on January 24, 2003, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2003 Annual Meeting Schedule for the County Commission (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the County Commission of the Issuer to be held during the year, by causing said Notice to be posted on Dec 31, 2002, at the principal office of the County Commission and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the geographic jurisdiction of the Issuer on Dec 31, 2002.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this January 28, 2003.



  
\_\_\_\_\_  
County Clerk

# TOOELE COUNTY CLERK

## TOOELE COUNTY COURTHOUSE

**DENNIS D. EWING**  
*Tooele County Clerk*

47 South Main Street  
Tooele, Utah 84074-2194  
(435)843-3140/Fax (435)882-7317  
e-mail - [www.co.tooele.ut.us/clerk.htm](http://www.co.tooele.ut.us/clerk.htm)

**MARILYN K. GILLETTE**  
*Chief Deputy Clerk*

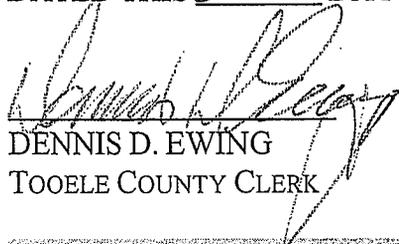
### NOTICE AND AMENDED AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY, JANUARY 28, 2003, AT 3:00 P.M., IN ROOM 310, TOOELE COUNTY COURTHOUSE, 47 SOUTH MAIN STREET, TOOELE, UTAH. THE AGENDA IS:

1. ROLL CALL
2. MINUTES
3. TAX ADJUSTMENTS
4. PERSONNEL ACTIONS
5. BILLS
6. DESERET PEAK COMPLEX
7. PUBLIC HEARING: PROPOSED AMENDMENT TO THE ERDA AIRPORT CHAPTER OF THE TOOELE COUNTY GENERAL PLAN
8. ORDINANCE 2003-02 AMENDING THE TOOELE COUNTY GENERAL PLAN; ADDING CHAPTER 16, ESTABLISHING THE ERDA AIRPORT COMPATIBLE LAND USE PLAN
9. TOOELE COUNTY SAFETY COMMITTEE REQUEST FOR A 2003 OPERATING BUDGET
10. DESERET PEAK WATERLINE - BOND PARAMETERS RESOLUTION
11. DESERET PEAK WATERLINE - CONTRACT AWARD, JAY DIGS, INC.
12. DESERET PEAK WATERLINE - PIPELINE PURCHASE
13. DESERET PEAK WATER SUPPLY AGREEMENT - GRANTSVILLE CITY
14. RESOLUTION 2003-03 - AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2003, OF TOOELE COUNTY, UTAH, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR A PLEDGE OF LOCAL SALES AND USE TAX REVENUES FOR REPAYMENT OF THE BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.
15. CONTRACT REVIEW
  - A) CONTRACT #02-01-02 - TREASURY MANAGEMENT SERVICES - DIRECT DEPOSIT - WELLS FARGO BANK
  - B) CONTRACT #02-01-08 - AMENDMENT #1 - INMATE TELEPHONE SERVICES AGREEMENT - QWEST
  - C) CONTRACT #02-01-10 - GROUND LEASE & PROPERTY DEVELOPMENT AGREEMENT - BUTLER BUILDERS - WENDOVER
  - D) CONTRACT #02-01-11 - SERVICE AGREEMENT - TOOELE VETERINARY CLINIC - JOE ROUNDY

16. BOARD APPOINTMENTS
17. PUBLIC CONCERNS
18. ADJOURN

DATED THIS 24<sup>th</sup> DAY OF Jan, 2003



DENNIS D. EWING  
TOOELE COUNTY CLERK

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY DENNIS D. EWING, TOOELE COUNTY CLERK, AT 843-3148 PRIOR TO THE MEETING.

SCHEDULE "1"

NOTICE OF MEETING

# TOOELE COUNTY CLERK

## TOOELE COUNTY COURTHOUSE

**DENNIS D. EWING**  
*Tooele County Clerk*

47 South Main Street  
Tooele, Utah 84074-2194  
(435)843-3140/Fax (435)882-7317  
e-mail - [www.co.tooele.ut.us/clerk.htm](http://www.co.tooele.ut.us/clerk.htm)

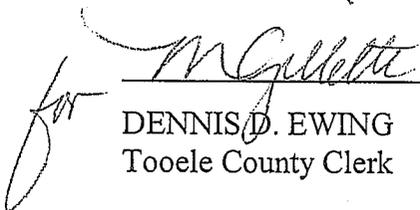
**MARILYN K. GILLETTE**  
*Chief Deputy Clerk*

## NOTICE OF ANNUAL MEETING

### TO THE PUBLIC AND RESIDENTS OF TOOELE COUNTY

The Public is hereby given Notice that the Tooele County Board of Commissioners conducts its regular board of County Commissioners meeting on the first, second, third and fourth Tuesday at 3:00 P.M. of each month at the Tooele County Courthouse, Room 310, 47 South Main Street, Tooele, Utah, unless the location is specifically changed as stated on the agenda. If the meeting date is a legal holiday, then the regularly scheduled meeting will not be held.

DATED THIS 31st DAY OF December, 2002

  
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DENNIS D. EWING  
Tooele County Clerk

SCHEDULE "2"

ANNUAL MEETING SCHEDULE

(attach Proof of Publication of  
Notice of Bonds to be Issued)

EXHIBIT "B"

GENERAL INDENTURE

EXHIBIT "C"

FORM OF FIRST SUPPLEMENTAL INDENTURE