

Tooele, Utah
November 22, 2005

The Board of County Commissioners of Tooele County, Utah, met in regular session on November 22, 2005, at its regular meeting place in Tooele, Utah, at 3:00 p.m., with the following

members present: DENNIS ROCKWELL, Chairman

MATTHEW LAWRENCE

COLLEEN JOHNSON

Also present: MARILYN GILLETTE, Tooele County Deputy Clerk

Absent: None

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 Board of Commissioners a Certificate of Compliance With Open Meeting Law with respect to this meeting, a copy of which is attached hereto as Attachment "A."

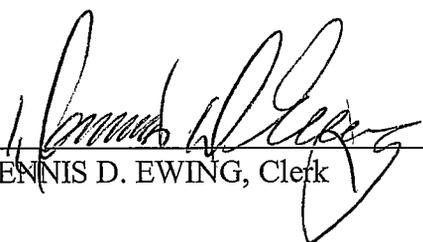
The following resolution was then introduced in written form, and after full discussion of the matter, pursuant to motion made by Commissioner Lawrence and seconded by Commissioner Johnson was adopted by the following vote:

AYE: Commissioner Rockwell, Commissioner Lawrence, Commissioner Johnson

NAY: None

I hereby certify that the following represents a true and correct copy of the resolution on file with the Tooele County Clerk's Office.




DENNIS D. EWING, Clerk

RESOLUTION 2005-15

A RESOLUTION DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE, AND NECESSITY REQUIRE THE ANNEXATION OF ADDITIONAL AREA TO THE TOOEE COUNTY RECREATION SPECIAL SERVICE DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN; PROVIDING FOR A HEARING ON THE AMENDMENT OF THE SPECIAL SERVICE DISTRICT; PROVIDING FOR NOTICE OF THE HEARING AND RELATED MATTERS.

WHEREAS, the Board of County Commissioners of Tooele County, Utah, believes that the public health, convenience, and necessity require the annexation of additional area to the Tooele County Recreation Special Service District heretofore created on November 28, 1989 pursuant to the provisions of the Utah Special Service District Act, Section 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah, to provide recreation services; and

WHEREAS, all property included within the amended boundaries of the Tooele County Recreation Special Service District will be benefitted by the annexation to the district; and

WHEREAS, the area proposed for annexation to the Tooele County Recreation Special Service District includes all of Tooele City, Grantsville City, Wendover City, and the towns of Ophir, Rush Valley, Stockton, and Vernon.

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Tooele County, Utah, as follows:

Section 1. The public health, convenience, and necessity require the annexation of additional area to the Tooele County Recreation Special Service District (the "District"), pursuant to the provisions of the Utah Special Service District Act, 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah.

Section 2. The boundaries of the District to be so amended shall be as set forth in the Notice of Intention in Section 7 hereof.

Section 3. The District was created for the purpose of furnishing recreation services and facilities within the area included within its boundaries, through facilities or systems acquired or constructed for that purpose through construction, purchase, lease, gift, condemnation, or any combination thereof.

Section 4. The District heretofore created is and shall be known as "Tooele County Recreation Special Service District."

Section 5. A public hearing on the question of the annexation to the District shall be held by the Board of County Commissioners at Room 310, Tooele County Courthouse, 47 South Main Street, Tooele, Utah, at 3:00 p.m. on December 20, 2005, at which time and place all interested parties may appear and be heard either in support of or in opposition to the annexation of additional area to the District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of Intention to annex additional area to the District shall be published at least once a week during three (3) consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the Tooele Transcript-Bulletin, a newspaper having general circulation in Tooele County. The Notice of Intention shall also be posted or published in each municipality in the county.

Section 7. The Notice of Intention to be published shall be in substantially the following form:

**NOTICE OF INTENTION TO ANNEX ADDITIONAL AREA TO
THE TOOELE COUNTY SPECIAL SERVICE DISTRICT**

NOTICE IS HEREBY GIVEN THAT on November 22, 2005, the Board of County Commissioners of Tooele County, Utah, adopted a resolution declaring that the public health, convenience, and necessity require the annexation of additional area, which includes Tooele City, Grantsville City, Wendover City, and the towns of Ophir, Rush Valley, Stockton, and Vernon to the Tooele County Recreation Special Service District (the "District") for the purpose of furnishing recreation services and facilities within the area included within its boundaries. The County Commission by Resolution has provided for a public hearing on the annexation of additional area to the District to be held at Room 310, Tooele County Courthouse, 47 South Main Street, Tooele, Utah, at 3:00 p.m. on December 20, 2005.

DESCRIPTION OF THE DISTRICT AFTER ANNEXATION

Following the annexation, the District shall have the boundaries as described in Exhibit A, which is the entire county except for the Stansbury Recreation Service Area. For ease of reference, a map showing the boundaries is also attached as Exhibit A.

SERVICES

The District will be authorized to furnish recreation services and facilities within the area included within its boundaries.

METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, 17A-2-1301 et seq., Utah Code Annotated, 1953, as amended, and Article XIV, Section 8 of the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part of the services to be provided

by the District. It may also annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of facilities or systems to provide said services; provided, however, that the levy to provide the services or to repay the bonds must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

PUBLIC HEARING ON PROPOSED ANNEXATION

At the public hearing on December 20, 2005, any interested person may protest the annexation of additional area to the District. Protests may be made orally at the hearing, in writing at the hearing, any time prior to the hearing, or within 15 days after the conclusion of the hearing. Any withdrawal of protest, or cancellation of withdrawal, must be filed within 30 days after the public hearing. Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the petition or protest.

At the public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board of County Commissioners may continue the hearing to another date and time if necessary.

After conclusion of the hearing, and after the time for filing protests has expired, the Board of County Commissioners shall adopt a resolution either annexing the additional area to the service district or determining that the proposal to so annex should be abandoned. A resolution amending the area of the service district may contain any changes from the initial resolution or notice of

intention the Board of County Commissioners determines to be appropriate, including reduction of the boundaries of the areas proposed for annexation to the service district.

The Board of County Commissioners shall abandon the proposed annexation of area to the service district if written protests against annexing area to the service district are filed by more than 50% of the qualified voters of the territory proposed to be annexed to the service district or the owners of more than 50% of the taxable value of the taxable property included within the area proposed to be annexed to the service district.

After the service district area is amended, a person may petition the district court for a writ of review of the actions of the board of county commissioners in annexing property to the district if the person filed a written protest, or the person filed a written protest, withdrew the protest, and then cancelled the withdrawal; and the person is a qualified voter residing within the district; or the person is a qualified voter whose property has been included within the boundaries of the service district; and the petition is filed within 30 days after the date of the resolution annexing additional area to the service district; and the petition alleges that the person's property will not be benefitted by one or more of the services to be provided by the service district or that the procedures used to annex area to the service district violated the law.

If a petition for writ of review is not filed within 30 days after the date of the resolution annexing additional area to the service district, owners of the property and qualified voters within the service district may not object to the annexation of area to the district.

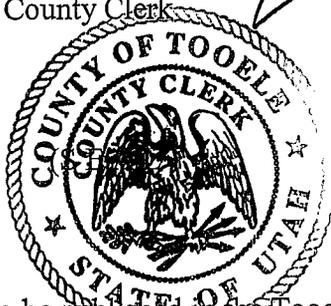
GIVEN BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY, UTAH, this 22nd day of November, 2005.

ATTEST:

TOOELE COUNTY


DENNIS D. EWING
Tooele County Clerk


DENNIS ROCKWELL, Chairman
Tooele County Commission



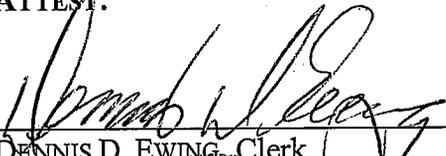
To be published in the Tooele Transcript-Bulletin on November 29, December 6
_____, and December 13, 2005 (once a week for three consecutive weeks; also to be posted
within the municipalities of Tooele County).

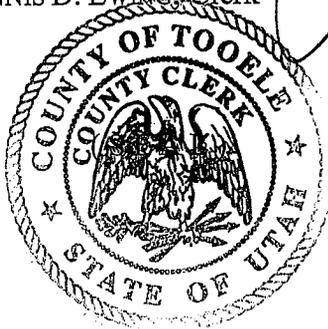
Section 8. The officers of Tooele County, Utah, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this resolution in any other instances.

Section 10. All resolutions, by-laws and regulations of Tooele County, Utah in conflict with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, by-law or regulation, or part thereof, heretofore repealed.

ATTEST:


DENNIS D. EWING, Clerk



TOOELE COUNTY LEGISLATIVE BODY


DENNIS L. ROCKWELL, Chairman

Commissioner Rockwell voted aye
Commissioner Lawrence voted aye
Commissioner Johnson voted aye

APPROVED AS TO FORM:

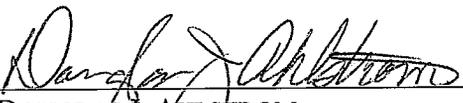

DOUGLAS J. AHLSTROM
Tooele County Attorney

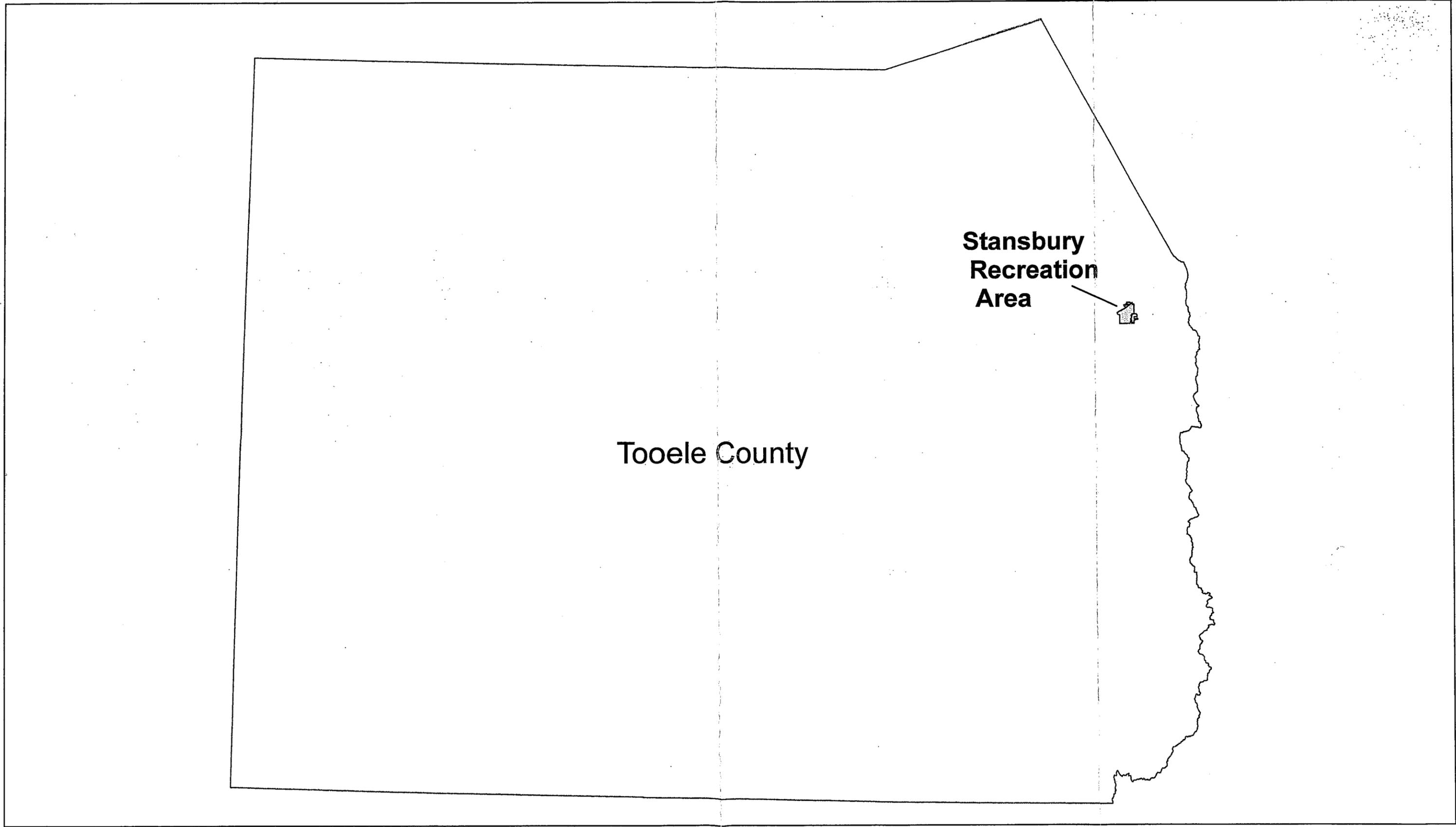
EXHIBIT "A"

DISTRICT BOUNDARIES

All of Tooele County, Utah as follows:

Beginning at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41° north and a point on the east shore of said lake due west of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort; thence southwesterly along said line to the west shore of said lake; thence west to the western boundary of the state; thence south to the second standard parallel south; thence east to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele valleys to the northern end of said summit; thence northeasterly on a straight line through Black Rock on the shore of Great Salt Lake to the point of beginning.

Less and excepting those properties in the Stansbury Recreation Service Area.



Tooele County

Stansbury
Recreation
Area



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

Pursuant to motion duly made and carried, the meeting was adjourned.

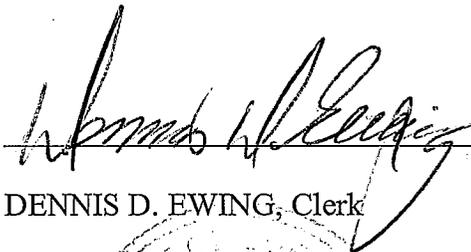
STATE OF UTAH)

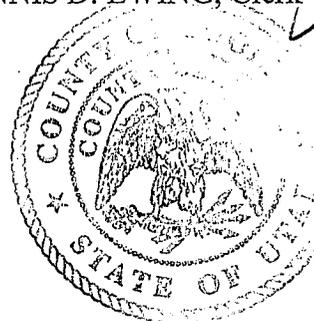
ss.

COUNTY OF TOOELE)

I, DENNIS D. EWING, the duly qualified and acting Clerk of Tooele County, Utah, do hereby certify that the foregoing constitutes a true and correct copy of excerpts from the minutes of a meeting of the duly qualified and acting members of the Board of County Commissioners of Tooele County, Utah, held on November 22, 2005, including a resolution adopted at the meeting, as the minutes and resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this 23 day of November, 2005, subscribed my official signature and impressed hereon the official seal of said County.


DENNIS D. EWING, Clerk



ATTACHMENT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

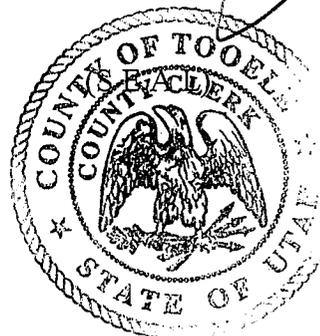
I, DENNIS D. EWING, the undersigned County Clerk of Tooele County, Utah, (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the November 22, 2005, public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's principal offices on November 21, 2005, 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 "A", to be delivered to the Tooele Transcript-Bulletin on November 16, 2005, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 23rd day of NOVEMBER, 2005.


DENNIS D. EWING, Clerk



Res. 2005-15

SCHEDULE "A"
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
www.co.tooele.ut.us/clerk.htm

MARILYN K. GILLETTE
Chief Deputy Clerk

NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY NOVEMBER 22 2005, 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. BILLS
5. DESERET PEAK COMPLEX
6. SECURITY SERVICES AGREEMENT
7. RESOLUTION 2005-15 - DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE, AND NECESSITY REQUIRE THE ANNEXATION OF ADDITIONAL AREA TO THE TOOELE COUNTY RECREATION SPECIAL SERVICE DISTRICT; DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN; PROVIDING FOR A HEARING ON THE AMENDMENT OF THE SPECIAL SERVICE DISTRICT; PROVIDING FOR NOTICE OF THE HEARING AND RELATED MATTERS
8. RESOLUTION 2005-16 - COMBINING PERSONNEL POLICIES AND PROCEDURES SECTIONS 14 AND 16 INTO A NEW SECTION 14, OCCUPATIONAL SAFETY AND HEALTH AND EMPLOYEE ACCIDENTS AND INJURIES; TO REFLECT ACTUAL PROCEDURES AND PRACTICES AS THEY RELATE TO REPORTING ACCIDENTS AND INJURIES; ADDING A NEW PROVISION ESTABLISHING A RETURN TO WORK - TRANSITIONAL DUTY PROGRAM; AND MAKING TECHNICAL CORRECTIONS
9. ORDINANCE 2005-30 - AMENDING CHAPTERS 10,11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 26, 27, AND 28 OF THE TOOELE COUNTY LAND USE ORDINANCE; CHANGING REFERENCES FROM ZONING TO LAND USE; ADDING PROVISIONS TO THE MATRICES REGARDING CHILD CARE, PRESCHOOLS, ACCESSORY HOUSING UNITS, AND OTHER USES; AND MAKING TECHNICAL CORRECTIONS
10. ORDINANCE 2005-31 - AMENDING SECTION 24-6-3 OF THE TOOELE COUNTY LAND USE ORDINANCE, REGARDING BUSINESS-RELATED TEMPORARY SIGNS
11. CONTRACT REVIEW
 - A) #04-11-02 - FINANCIAL ADVISORY SERVICES - ZIONS BANK
 - B) #04-11-03 - MEMORANDUM OF UNDERSTANDING: DUGWAY PROVING GROUNDS AND TOOELE COUNTY FOR VICTIM/WITNESS COORDINATOR SERVICES
 - C) #04-11-05 - SUBDIVISION IMPROVEMENT SURETY BOND - VILLAGE @ COUNTRY CROSSING NEIGHBORHOOD PHASE 2A, PLAT 4

12. BOARD APPOINTMENTS

13. PUBLIC CONCERNS

14. ADJOURN

DATED THIS 16th DAY OF November, 2005

for Holly Shields
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.