

Tooele County, Utah

July 18, 2006

A regular meeting of the Board of County Commissioners (the "Board") of Tooele County, Utah (the "County"), was held on Tuesday, July 18, 2006, at the hour of 3:00 p.m., at the regular meeting place of said Board, at which meeting there were present and answering roll call the following members who constituted a quorum:

Dennis Rockwell
Colleen Johnson
Matthew Lawrence

Commission Chair *absent.*
Commissioner, *acting Chair*
Commissioner

Also present:

Dennis D. Ewing
Douglas J. Ahlstrom

County Clerk *absent*
County Attorney
Chief Deputy Clerk

Marilyn K. Gillette
Absent:

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 a Certificate of Compliance With Open Meeting Law with respect to this July 18, 2006, meeting, a copy of which is attached hereto as Exhibit A.

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

AYE: *Com. Johnson*
Com. Lawrence

NAY:

RESOLUTION NO. 2006-10

A RESOLUTION PROPOSING THE CREATION OF A SPECIAL SERVICE DISTRICT, DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN, PROVIDING FOR A HEARING ON THE CREATION OF SAID SPECIAL SERVICE DISTRICT, PROVIDING FOR NOTICE OF SAID HEARING AND RELATED MATTERS.

WHEREAS, the Board of Commissioners (the "Board") of Toole County, Utah (the "County"), believes that the public health, convenience and necessity require the establishment of a special service district pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, (the "Act") and Article XI, Section 7 of the Constitution of Utah for the purposes of providing water and sewer services within a specified area of the County; and

WHEREAS, all property included within the boundaries of said proposed special service district will be benefited by the creation thereof; and

WHEREAS, none of the area to be contained within the boundaries of said proposed special service district is also within the boundaries of any other special service district established by the County to provide water and sewer services, nor is the area within any other district presently providing similar services; and

WHEREAS, none of the area to be contained within the boundaries of said proposed special service district is also within the boundaries of any other county or special improvement district; and

WHEREAS, the Board desires to adopt this resolution proposing the creation of a special service district and establish a protest hearing date:

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

Section 1. The public health, convenience and necessity require the creation within Tooele County, Utah, of a special service district and the Board of County Commissioners has determined to adopt this resolution proposing the establishment of the Deseret Peak Special Service District (the "District") pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah.

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

Section 3. The District is to be created for the purpose of providing water and sewer services within its boundaries through the construction, purchase, gift, condemnation, or any combination thereof of the facilities or systems necessary to provide said services.

Section 4. The District so created shall be known as "Deseret Peak Special Service District."

Section 5. A public hearing on the question of the creation of the District shall be held by the Board in Tooele County, Utah, at 3:00 p.m. on August 22, 2006, at which time and place all interested parties may appear and be heard either in support of or in opposition to the creation of the District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of the Intention to create the District shall be published at least once a week during three 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 Bulletin, a newspaper having general circulation in Tooele County.

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

NOTICE OF INTENTION TO ESTABLISH
DESERET PEAK SPECIAL SERVICE DISTRICT

NOTICE IS HEREBY GIVEN THAT on July 18, 2006, the Board of County Commissioners of Tooele County, Utah (the "County"), adopted a Resolution, declaring that the public health, convenience and necessity require the establishment of a special service district, to initiate the establishment of a special service district to be called "Deseret Peak Special Service District" (the "District") for the purposes of providing water and sewer services. The Resolution also provides for a public hearing on the establishment of the District in the County, to be held at 47 South Main Street, Tooele, Utah, at 3:00 p.m. on August 22, 2006.

DESCRIPTION OF THE PROPOSED DISTRICT

The District shall have the following boundaries:

See Exhibit A attached hereto and hereby incorporated by reference.

PROPOSED SERVICES

The District will be authorized to provide water and sewer services located within the District, together with necessary facilities, appurtenances and equipment therefor.

METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 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 said levy to provide said services or to repay said 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 ESTABLISHMENT OF
SPECIAL SERVICE DISTRICT

The Board of County Commissioners will hold a public hearing on the establishment of the District and the furnishing of water and sewer services therein at 3:00 p.m. on Tuesday, August 22, 2006. Any interested person may protest the establishment of the District or the furnishing of services therein either orally at the hearing or in writing, at or at any time prior to the hearing, or within 15 days of the conclusion of the hearing. Written protests must be filed with the County Clerk, and may be withdrawn by the protestant within 30 days after the conclusion of the 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 protest.

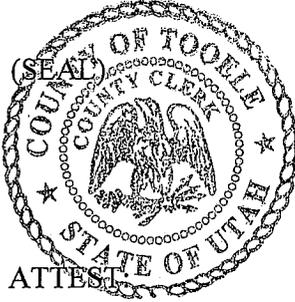
At said public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board may continue the hearing to another date and time if necessary. After conclusion of the hearing, and after the time for filing protests has expired, the Board shall adopt a resolution either establishing the Deseret Peak Special Service District or determining that the establishment of the District should be abandoned. A resolution establishing the District may contain changes from the initial resolution or notice of intention including reduction of the boundaries of the District or elimination of one or more of the types of services proposed.

If, within fifteen (15) days after the conclusion of the hearing, over fifty percent (50%) of the qualified voters of the territory proposed to be included within the District or the owners of over 50% of the assessed value (taxable market value) of the taxable property included within the proposed District file written protest against the establishment of the proposed District or against the specified type of service to be provided within the District with the County Clerk, the Board is required by law, in the former instance, to abandon the proposed establishment of the District and, in the latter instance, to eliminate the type of service objected to from the resolution finally establishing the District.

Any person who (i) filed a written protest and (ii) is a qualified voter residing within the proposed district or a qualified voter whose property has been included within the proposed District, may, within thirty (30) days after the adoption of the Resolution establishing the District, apply to the District Court of the Third Judicial District for a writ of review of the actions of the County in establishing the District, only upon the grounds, however, that his property will not be benefited by one or more of the services authorized to be furnished by the District or that the proceedings taken in the establishment of the District have not been in compliance with the law.

A FAILURE TO APPLY FOR SUCH WRIT OF REVIEW WITHIN THE PRESCRIBED TIME SHALL FORECLOSE ALL OWNERS OF PROPERTY WITHIN THE DISTRICT SO ESTABLISHED FROM THE RIGHT FURTHER TO OBJECT THERETO.

Adopted by the Board of Commissioners of Tooele County, this July 18, 2006.



By: Collen S. Johnson
County Commissioner

By: Marilyn K. Gillette
County Clerk
Marilyn K. Gillette
Chief Deputy Clerk

Published in the Tooele Bulletin on July 25, 2006, and August 1 and August 8, 2006.

EXHIBIT A

DESCRIPTION OF THE PROPOSED DISTRICT

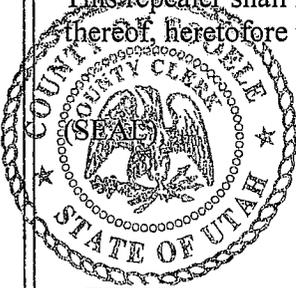
The District shall have the following boundaries:

All of Sections 2, 3, 10, and 11, Township 3 South, Range 5 West, Salt Lake Base and Meridian. Also, the West 1/2 and the West 1/2 of the East 1/2 of Sections 1 and 12, Township 3 South, Range 5 West, Salt Lake Base and Meridian.

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 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.



By: Colleen S. Johnson
County Commissioner

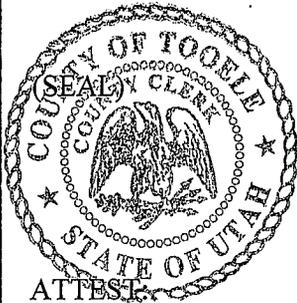
ATTEST:

By: Marilyn K. Gillette
County Clerk

Marilyn K. Gillette
Chief Deputy Clerk

(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.



By: Colleen S. Johnson
County Commissioner

By: Marilyn K. Gillette
County Clerk

Marilyn K. Gillette
Chief Deputy Clerk

STATE OF UTAH)

:SS.

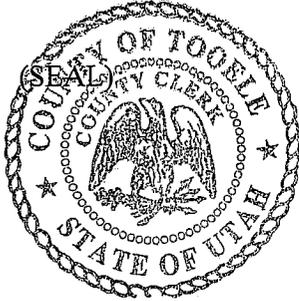
COUNTY OF TOOELE)

Marilyn K. Gillette

Chief Deputy

I, ~~Dennis D. Ewing~~, the duly qualified and acting County 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 July 18, 2006, including a Resolution adopted at said meeting, as said minutes and Resolution are of record in my official possession.

IN WITNESS WHEREOF, I have this July 18, 2006, subscribed my official signature and impressed hereon the official seal of said County.



By: *Marilyn K. Gillette*
County Clerk

Marilyn K. Gillette
Chief Deputy Clerk

EXHIBIT A

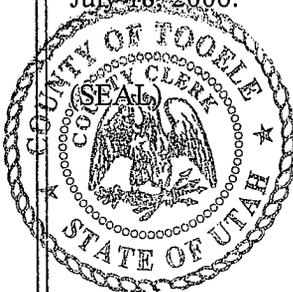
CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

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 52-4-202(1), 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 July 18, 2006, public hearing held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices on July 12, 2006, 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 Toole Bulletin on July 12, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 18, 2006.



By: Collen S. Johnson
County Clerk

Marilyn K. Gillette
Marilyn K. Gillette
Chief Deputy Clerk

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
www.co.Tooele.ut.us/Clerk.htm

MARILYN K. GILLETTE
Chief Deputy Clerk

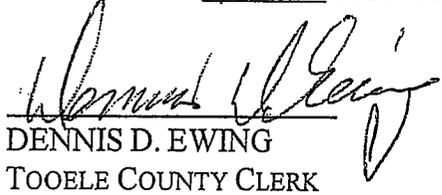
NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY, JULY 18, 2006, 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. VALLEY MENTAL HEALTH/JAIL CONTRACT AMENDMENT
7. PASS THROUGH CONTRACT FROM CENTRAL STATE DIVISION OF AGING FOR \$390,947
8. DECONTAMINATION TRAILER COVERS
9. NEW COPIERS FOR EOC
10. PAVE REMAINDER OF TCEM SHOP
11. RESOLUTION 2006-09 - DISSOLVING THE TOOELE COUNTY SPECIAL SERVICE DISTRICT
12. CONSIDERATION FOR ADOPTION OF RESOLUTION 2006-10, PROPOSING THE CREATION OF A SPECIAL SERVICE DISTRICT, DEFINING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN, PROVIDING FOR A HEARING ON THE CREATION OF SAID SPECIAL SERVICE DISTRICT, PROVIDING FOR NOTICE OF SAID HEARING AND RELATED MATTERS
13. AGREEMENT WITH RC EVOLUTION FOR THE OPERATION OF R/C TRACK
14. ORDINANCE 2006-18 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING PROPERTY OWNED BY DREW DOWNS, SCOTT McLACHLAN DBA LIME-A-WAY, AND LARRY FITZGERALD LOCATED IN RUSH VALLEY ABOUT FIVE MILES SOUTH OF FAUST ROAD, FROM MU-40 AND M-G TO MG-EX
15. CONTRACT REVIEW
 - A) CONTRACT #99-07-12 - COMMUNICATIONS LEASE AGREEMENT - UCAN - TOOELE COUNTY
 - B) CONTRACT #99-07-11 - COMMUNICATIONS AGREEMENT - DELLE SITE
 - C) CONTRACT #98-06-10 - 98-06-10 WILDLAND FIRE PROTECTION AGREEMENT
 - D) CONTRACT #98-06-06 - 98-06-06 TOOELE COUNTY MEMORANDUM OF UNDERSTANDING - ANNUAL FIRE SEASON
 - E) CONTRACT #95-06-19 - 95-06-19 SHERIFF'S OFFICE-EMERGENCY MGMT & TCITY FIRE DEPARTMENT
16. BOARD APPOINTMENTS

- 17. PUBLIC CONCERNS
- 18. ADJOURN

DATED THIS 12th DAY OF July, 2006


DENNIS D. EWING
TOOELE COUNTY CLERK

PERSUANT 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.