

RESOLUTION 2008-23

**A RESOLUTION APPROVING THAT TOOELE COUNTY ENTER INTO
TAX REDISTRIBUTION LITIGATION**

WHEREAS, the recent actions of the Tax Commission have sought to make substantial adjustments to tax reimbursements provided during prior fiscal years; and

WHEREAS, Counties rely on sales tax revenues to fund county programs, service debt, and maintain financial solvency; and

WHEREAS, the annual budget for this county is set each December for the following year; and

WHEREAS, Utah's counties must be able to rely on the Tax Commission to correctly calculate and allocate tax proceeds and to scrupulously perform its fiduciary duties; and

WHEREAS, the recent efforts to redistributed sales tax revenues to account for improper calculations by telecom providers extend back to 2006; and

WHEREAS, there are clear inaccuracies in the calculations of telecom sales tax and inappropriate methodologies used to calculate the amounts counties were overpaid; and

WHEREAS, the Utah State Tax Commission has indicated that it has no intention to review, audit, or otherwise verify that its reallocation of telecom sales tax proceeds was correct; and

WHEREAS, the Tax Commission has inappropriately withheld proceeds from non-telecom sales for the current year and has thereby seriously impacted the county; and

WHEREAS, efforts to settle this matter in a way that is consistent with law, equity, and the fiduciary responsibilities of the Tax Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Tooele County enter into litigation to clarify for the Tax Commission both

Res. 2008-23

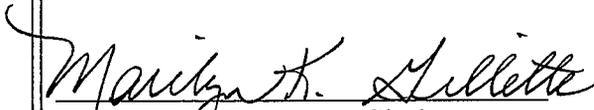
the law under which it is required to operate and the provisions of the fiduciary duty the Tax Commission owes to the several counties of Utah.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

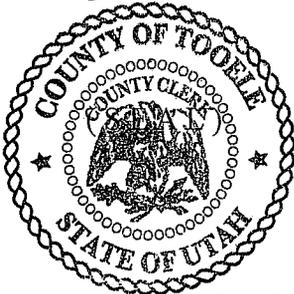
DATED this 4th day of November 2008.

ATTEST:

TOOELE COUNTY COMMISSION:

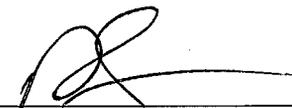

MARILYN K. GILLETTE, Clerk


COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney