

## RESOLUTION 2013-18

### **A RESOLUTION PROPOSING THE REORGANIZATION OF THE NORTH TOOELE COUNTY FIRE PROTECTION SERVICE DISTRICT FROM A SPECIAL SERVICE DISTRICT TO A LOCAL DISTRICT, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF AND RELATED MATTERS**

**WHEREAS**, the Board of County Commissioners of Tooele County, Utah has determined that the public health, convenience, and necessity require the reorganization of the North Tooele County Fire Protection Service District, Tooele County, Utah (the "District") from a special service district to a local district to provide for fire protection and emergency medical services within the proposed District's boundaries, pursuant to the provisions of Article XIV, Section 8 of the Utah Constitution and Section 17D-1-604, *et seq.* (the "Act"); and

**WHEREAS**, all of the property to be included in the District will be benefitted by said District and its provision of the proposed services.

### **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TOOELE COUNTY, UTAH AS FOLLOWS:**

1. The public health, convenience, and necessity require the reorganization of the North Tooele County Fire Protection Service District from a special service district to a local district.
2. The name of this local district shall be the North Tooele County Fire Protection Service District, Tooele County, Utah.
3. The boundaries and service area of the District shall be the same as the special service district known as the North Tooele County Fire Protection Service District, and more particularly described as follows:

Beginning at a point marked by the intersection of the North-West corner of Section 15, Township 4 South, Range 3 West, and the Tooele County line then following the Tooele County line to the point that it intersects with the South line of Section 16, Township 4 South, Range 3 West, thence Westbound to the Northeast corner of Section 24, Township 4 South, Range 6 West, thence Southbound to the Southeast corner of Section 36, Township 4 South, Range 6 West, thence Westbound to the Southwest corner of Section 34, Township 4 South, Range 6 West, thence Northbound to the Northwest corner of Section 22, Township 4 South, Range 6 West, thence Westbound to the Southeast corner of Section 13, Township 4 South, Range 8 West, thence North to the Southeast corner of Section 36, Township 1 South, Range 8 West, thence Westbound to the Northeast corner of Section 4, Township 2 South, Range 14 West, thence Northbound to the County line, thence following the County line East to its intersection with the Davis County line thence Southbound to the point of beginning. All townships and ranges being on the Salt

Lake Meridian, and excepting any and all land located within the corporate limits of Grantsville City and the City of Tooele.

4. The services to be provided by the District shall be fire protection and emergency medical services.

5. The Board of County Commissioners of Tooele County, Utah shall hold a public hearing on the proposed reorganization of the District on October 15, 2013, at 7:00 p.m., at 47 South Main, Tooele, Utah.

6. The Board of County Commissioners directs the County Clerk to cause to be prepared and published the notice of intention in substantially the form attached hereto as Exhibit A, to reorganize the special service district and call the aforementioned public hearing, which notice shall be published once each week during four consecutive weeks with the last publication being not less than 5 days and no more than 21 days before the public hearing, in accordance with the terms of the Act and it directs the County Clerk to also complete the record of proceedings attached as Exhibit B.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Board of County Commissioners of Tooele County, Utah this 3<sup>rd</sup> day of September, 2013.

**TOOELE COUNTY, UTAH**

  
\_\_\_\_\_  
J. BRUCE CLEGG, Commission Chairman

ATTEST:

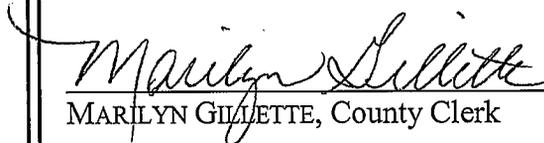
  
\_\_\_\_\_  
MARILYN GILLETTE, County Clerk



EXHIBIT A

NOTICE OF INTENTION TO REORGANIZE  
THE NORTH TOOEELE COUNTY FIRE PROTECTION SERVICE DISTRICT  
FROM A SPECIAL SERVICE DISTRICT TO A LOCAL DISTRICT

NOTICE is hereby given to all interested persons that on September 3, 2013, the Board of County Commissioners (the "Commission") of Tooele County, Utah adopted a resolution declaring that the public health, convenience, and necessity require the reorganization of the North Tooele County Fire Protection Service District from a special service district to a local district, to be known as the North Tooele County Fire Protection Service District, Tooele County, Utah (the "District") to provide for fire protection and emergency medical services within the District's boundaries and providing for the holding of a public hearing on the proposed reorganization of the District.

In the event the District is reorganized, taxes may be annually levied upon all taxable property within the District. For services provided by the District, charges may be imposed to pay for all or part of the services to be provided by the District.

The boundaries and service area of the proposed District shall be the same as the special service district known as the North Tooele County Fire Protection Service District, and more particularly described as follows:

Beginning at a point marked by the intersection of the North-West corner of Section 15, Township 4 South, Range 3 West, and the Tooele County line then following the Tooele County line to the point that it intersects with the South line of Section 16, Township 4 South, Range 3 West, thence Westbound to the Northeast corner of Section 24, Township 4 South Range 6 West, thence Southbound to the Southeast corner of Section 36, Township 4 South, Range 6 West, thence Westbound to the Southwest corner of Section 34, Township 4 South, Range 6 West, thence Northbound to the Northwest corner of Section 22, Township 4 South, Range 6 West, thence Westbound to the Southeast corner of Section 13, Township 4 South, Range 8 West, thence North to the Southeast corner of Section 36, Township 1 South, Range 8 West, thence Westbound to the Northeast corner of Section 4, Township 2 South, Range 14 West, thence Northbound to the County line, thence following the County line East to its intersection with the Davis County line thence Southbound to the point of beginning. All townships and ranges being on the Salt Lake Meridian, and excepting any and all land located within the corporate limits of Grantsville City and the City of Tooele.

The public hearing shall be held on October 15, 2013, at 7:00 p.m. at the county offices at 47 South Main, Tooele, Utah. Any interested person may protest the reorganization of the District either orally at said public hearing or in a written protest filed with the Tooele County Clerk. All written protests must be filed within 15 days after the conclusion of said public hearing and all withdrawals or cancellations of withdrawals must be filed within 30 days after the conclusion of said public hearing. The Commission will hear all interested persons desiring to be heard and will give full consideration to all protests. If special accommodations are required, please call (435) 843-3148 with reasonable advance notice.

Any written protest made on behalf of a corporation owning property within the proposed District shall be signed by the president, vice president, or any duly authorized agent of the corporation. Where property within the proposed District is owned by more than one person or entity, all owners holding title to the property must join in the signing of the protest in order for it to be considered in the thirty-three percent (33%) calculation discussed below.

If, within 15 days after the conclusion of said public hearing, more than thirty-three percent (33%) of the registered voters of the territory proposed to be included within the District, or the owners of over thirty-three percent (33%) of the taxable value of the taxable property proposed to be included within the District, file written protests against the establishment of the District, the Commission is required by law to abandon the proposed creation of the District.

After the public hearing and 15-day protest period closes, the Governing Authority shall adopt a resolution either establishing the District, amending the District, or abandoning the establishment of the District. A resolution approving the establishment of the District may contain any changes from the initial resolution or this notice of intention the Commission determines to be appropriate, including reduction of boundaries of the District and elimination of one or more of the types of services proposed. The boundaries of the District may not be increased nor additional types of services added, unless the Commission gives a new notice of intention and holds a new public hearing.

Any person who shall have timely filed a written protest and who is a qualified voter residing within, or owning property within, the District, may petition the district court within 30 days after the adoption of said creation resolution for a writ of review. The grounds for such a petition are limited to: (1) a claim that the petitioner's property will not be benefitted by the services to be provided by the District; and (2) a claim that the procedures used to establish the District violated the law.

**FAILURE TO TIMELY FILE A WRITTEN PROTEST PRECLUDES THE PROTEST FROM BEING INCLUDED IN THE 33% CALCULATION DISCUSSED ABOVE AND THE PROTESTANT FROM FILING A PETITION FOR A WRIT OF REVIEW. FAILURE TO**

*Res. 2013-18*

TIMELY FILE A PETITION FOR WRIT OF REVIEW FORECLOSES ANY RIGHTS TO THEREAFTER OBJECT TO THE ESTABLISHMENT OF THE DISTRICT.

DATED: September 4, 2013.

/s/ Marilyn Gillette  
Marilyn Gillette, County Clerk

Published on September 12, 19, 26, and October 3.

EXHIBIT B

RECORD OF PROCEEDINGS  
SEPTEMBER 3, 2013

The Board of County Commissioners of Tooele County, Utah, met in public session at its regular meeting place in Tooele, Utah, at 47 South Main at 7:00 p.m., or as soon thereafter as feasible, on September 3, 2013, with the following members present:

J. Bruce Clegg	Chair
Shawn Milne	Commissioner
Jerry Hurst	Commissioner

Also present:

Marilyn Gillette	County Clerk
Doug Hogan	County Attorney

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Board of County Commissioners a Certificate of Compliance With Open Meeting Law with respect to this September 3, 2013 meeting, a copy of which is attached hereto as Exhibit "A".

Commissioner Milne then introduced and moved the adoption of the foregoing resolution, which motion was seconded by Commissioner Hurst and the motion was passed as follows:

AYE:

*Commissioner Milne  
Hurst  
Clegg*

NAY:

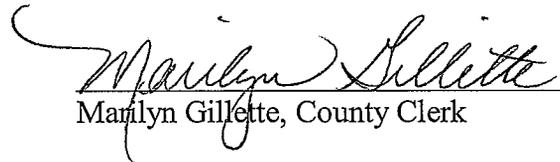
ABSTAIN:

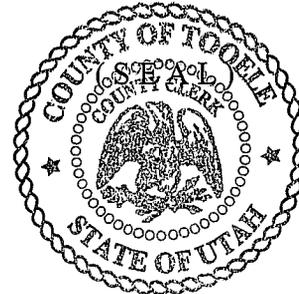
Res. 2013-18

STATE OF UTAH            )  
  : ss.  
COUNTY OF TOOELE    )

I, Marilyn Gillette, the duly qualified and acting County Clerk of Tooele County, Utah, do hereby certify according to the records of said County in my official possession that the foregoing constitutes a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on September 3, 2013, including a 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 official signature and impressed hereon the official seal of said County this 7<sup>th</sup> day of October, 2013.

  
Marilyn Gillette, County Clerk



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Marilyn Gillette, 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 September 3, 2013, public meeting held by the County as follows:

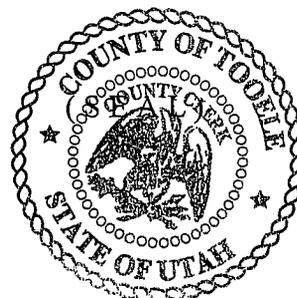
a. By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the County's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the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

b. By causing a copy of such Notice, in the form attached hereto as Schedule "A", to be delivered to a newspaper of general circulation within the County at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the 2013 Notice of Annual Meeting Schedule for the County Commission (attached hereto as Schedule "B") was given specifying the date, time and place of the regular meetings of the County Commission to be held during the year, by causing said Notice to be posted on February 19, 2013, at the principal office of the County and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on February 19, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 3<sup>rd</sup> day of September, 2013.

  
Marilyn Gillette, County Clerk



# TOOELE COUNTY CLERK

## TOOELE COUNTY BUILDING

MARILYN K. GILLETTE  
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](http://www.co.Tooele.ut.us/Clerk.htm)

DEBBIE SMART  
Chief Deputy Clerk

### PUBLIC NOTICE OF MEETING AND AGENDA Tooele County Commission

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR SCHEDULED MEETING ON TUESDAY, SEPTEMBER 03, 2013 AT 7:00 PM, IN ROOM 310, TOOELE COUNTY BUILDING, 47 SOUTH MAIN STREET, TOOELE, UTAH.

THE AGENDA ITEMS FOR THIS MEETING ARE AS FOLLOWS:

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. MINUTES
4. CONSENT AGENDA
5. PRESENTATION OF LIABILITY INSURANCE OPTIONS AND AWARD OF BID - (PRESENTER DARRELL CHILD, OLYMPUS INSURANCE) COUNTY COMMISSION
6. RATIFICATION OF SCHEDULE A - ROAD MAINTENANCE AGREEMENT BETWEEN THE FOREST SERVICE AND TOOELE COUNTY (PRESENTER GEORGE GARCIA, DISTRICT RANGER) COMMISSIONER HURST
7. RATIFICATION OF FOREST SERVICE/TOOELE COUNTY WEED TREATMENT AGREEMENT FOR THE VERNON AND STANSBURY UNITS (PRESENTER GEORGE GARCIA, DISTRICT RANGER) COMMISSIONER HURST
8. TOOELE COUNTY ROOFING BIDS FOR TOOELE SENIOR CENTER (PRESENTER JEFF COOMBS) COMMISSIONER CLEGG
9. DEVELOPMENT AGREEMENT WITH HENRY WALKER CONSTRUCTION OF NORTHERN UTAH, LLC FOR NORTHPORT VILLAGE P.U.D. (PRESENTER KERRY BEUTLER, COUNTY PLANNER) COUNTY COMMISSION
10. SUBDIVISION IMPROVEMENTS AGREEMENT WITH HENRY WALKER CONSTRUCTION FOR NORTHPORT VILLAGE PHASE I (PRESENTER KERRY BEUTLER, COUNTY PLANNER) COMMISSIONER MILNE
11. FAA PROJECT 26 RUNWAY EXTENSION GRANT - WENDOVER AIRPORT (RUNWAY EXTENSION WILL ENHANCE THE FLIGHT PROGRAM AND FUEL SALES AT THE AIRPORT.) (PRESENTER JIM PETERSON, AIRPORT DIRECTOR) COMMISSIONER MILNE
12. ORDINANCE 2013-12 - ENACTING CHAPTER 19, LARGE WIND ENERGY SYSTEMS, AND AMENDING TABLES 15-5-3.6, 17-5-3.10, AND 27-8.3 (ESTABLISHING AN ORDINANCE FOR LARGE WIND ENERGY SYSTEMS / WIND TURBINE FARMS) (PRESENTER KERRY BEUTLER, COUNTY PLANNER) COMMISSIONER MILNE
13. ORDINANCE 2013-13 - AMENDING THE OFFICIAL ZONING MAP OF TOOELE COUNTY; REZONING APPROXIMATELY 40 ACRES OF LAND NORTH OF WENDOVER CITY, OFF OF LEPPY PASS ROAD, FROM MU-40 TO RR-5 (PRESENTER KERRY BEUTLER, COUNTY PLANNER) COMMISSIONER MILNE
14. ORDINANCE 2013-14 - VACATING THE PUBLIC RIGHT-OF-WAY INTEREST IN A PORTION OF THE EAST TO WEST TRANSPORTATION CORRIDOR KNOWN AS THE

- "PARKWAY," LOCATED EAST OF AND ADJACENT TO SR-36, SOUTH OF THE CIMMARRON WAY INTERSECTION (PRESENTER KERRY BEUTLER, COUNTY PLANNER) COMMISSIONER MILNE
15. RESOLUTION 2013-18 - PROPOSING THE REORGANIZATION OF THE NORTH TOOELE COUNTY FIRE PROTECTION SERVICE DISTRICT FROM A SPECIAL SERVICE DISTRICT TO A LOCAL DISTRICT (ALLOWING THE DISTRICT TO OPERATE WITHOUT COMMISSION APPROVAL FOR ITEMS SUCH AS TAX INCREASES). CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF AND RELATED MATTERS. (PRESENTER DOUG HOGAN, ATTORNEY) COMMISSIONER MILNE
  16. REPLACEMENT OF DOWNED SCRAPER AT LANDFILL FROM 2012, NOT TO EXCEED \$20,000 (PRESENTER ROBERT WARNER) COMMISSIONER MILNE
  17. CONTRACT REVIEW
    - A) 90-01-04 - PAYMENT IN LIEU OF TAXES BETWEEN TOOELE COUNTY AND THE DIVISION OF WILDLIFE RESOURCES
    - B) 91-11-03 - INTERLOCAL COOPERATION AGREEMENT REORGANIZING THE TOOELE COUNTY COUNCIL OF GOVERNMENTS
    - C) 00-09-17 - GROEN BROTHERS AVIATION, INC. LENDING AGREEMENT WITH TOOELE COUNTY
    - D) 00-09-19 - HAWK AUTOGYRO INC. LENDING AGREEMENT WITH TOOELE COUNTY
    - E) 05-09-02 - MEMORANDUM OF UNDERSTANDING BETWEEN TOOELE ARMY DEPOT AND TOOELE COUNTY SHERIFF'S OFFICE
    - F) 06-07-01 - FOREST ROAD AGREEMENT BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE AND TOOELE COUNTY
  18. BOARD OPENINGS
    - A) LAKE POINT CEMETERY AND PARK SERVICE DISTRICT (MUST LIVE IN DISTRICT) - 2 POSITIONS - OPEN UNTIL FILLED
    - B) RUSH VALLEY WATER CONSERVANCY DISTRICT - 5 POSITIONS (MUST LIVE IN DISTRICT) - CLOSING DATE SEPTEMBER 30
    - C) RECREATION SPECIAL SERVICE DISTRICT - 2 POSITIONS - OPEN UNTIL FILLED
    - D) AGRICULTURE PROTECTION AREA ADVISORY BOARD - 1 POSITION - OPEN UNTIL FILLED
    - E) VACATE APPOINTMENT TO MOSQUITO ABATEMENT BOARD - GEORGE CARTER
    - F) For more information on these boards and a board application, please go to the Clerk's website - [www.co.tooele.ut.us/clerk.htm](http://www.co.tooele.ut.us/clerk.htm). Click on the "Information" tab, the name of the board for more information or the "Board Application" link.
  19. PUBLIC CONCERNS
  20. ADJOURNMENT

AS APPROVED BY THE TOOELE COUNTY COMMISSION - DATED THIS AUGUST 28, 2013

  
 MARILYN K. GILLETTE  
 TOOELE COUNTY CLERK

~~PURSUANT TO THE AMERICANS WITH DISABILITY ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY MARILYN K. GILLETTE, TOOELE COUNTY CLERK, AT 843-3148 PRIOR TO THE MEETING.~~

**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 and third Tuesday at 7:00 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 19th DAY OF February, 2013

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MARILYN K. GILLETTE  
Tooele County Clerk