RESOLUTION \_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (THE “BOARD”) OF THE COUNTY OF WEBER COUNTY, UTAH (THE “COUNTY”), PROVIDING FOR THE CREATION OF MOUNT OGDEN PUBLIC INFRASTRUCTURE DISTRICT NOS. 1, 2, AND 3 (COLLECTIVELY, THE “DISTRICTS”) AS INDEPENDENT BODIES CORPORATE AND POLITIC; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPROVING OF AN ANNEXATION AREA; APPOINTING BOARDS OF TRUSTEES OF THE DISTRICTS; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the “Petition”) was filed with the County requesting adoption by resolution the approval of the creation of three (3) separate public infrastructure districts pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the “PID Act”) and relevant portions of the Limited Purpose Local Government Entities - Local Districts, Title 17B (together with the PID Act, the “Act”) within the boundaries of the County and approve an annexation area (the “Annexation Area”) which any of the districts may annex into or withdrawal therefrom without further approval or hearings of the County or the Board, as further described in Governing Document Exhibits A and C (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the County may create one or more public infrastructure districts by adoption of a resolution of the Board and with consent of 100% of all surface property owners proposed to be included in each District (the “Property Owners”); and

WHEREAS, on November 22, 2022, a public hearing was held by the County to receive input from the public regarding the creation of the Districts and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing was held at the County Building because there is no reasonable place to hold a public hearing within the Districts’ boundaries, and the hearing at the County Building was held as close to the applicable area as reasonably possible; and

WHEREAS, the County mailed or caused to be mailed prior notice of the hearing to each of the Property Owners in compliance with Section 17B-1-211(1)(b) of the Act; and

WHEREAS, the Petition, containing the consent of such Property Owners has been certified by the Recorder of the County pursuant to the Act and it is in the best interests of the Property Owners that the creation of the Districts be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, it is necessary to authorize the creation of the Districts under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the District before the date of this Resolution; and

WHEREAS, each board member appointed under this Resolution has previously filed with the County a disclosure of business relationships in compliance with Section 17D-4-202(9) of the PID Act; and

WHEREAS, according to attestations filed with the County, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the Districts under Section 17D-4-202(3)(c) of the PID Act because they are agents of property owners within the District boundaries (as further set forth in the Petition); and

WHEREAS, the governance of the Districts shall be in accordance with the PID Act and the terms of a governing document (the “Governing Document”) attached hereto as Exhibit A, for the Districts; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah a Notice of Boundary Action for each District attached hereto as Exhibit B (the “Boundary Notice”) and Final Entity Plats to be attached thereto as Boundary Notice Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the “Plat”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, AS FOLLOWS:

# Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by officers of the Board directed toward the creation and establishment of the Districts, are hereby ratified, approved and confirmed.

# The Districts are hereby created as separate entities from the County in accordance with the Governing Document and the Act. The boundaries of each District shall be as set forth in the Governing Document and the Plat.

# Pursuant to the terms of the PID Act, the Board does hereby approve the annexation of any area within the Annexation Area Boundaries into any of the Districts without any further action of the Board or the County and further approves withdrawal of any area within the Initial District Boundaries (as defined in the Governing Document) or Annexation Area Boundaries from any District without any further action, hearings, or resolutions of the Board or the County, upon compliance with the terms of the PID Act and the Governing Document.

# The Board does hereby authorize the Districts to provide services relating to the financing and construction of public infrastructure within the Annexation Area upon annexation thereof into the Districts without further request of the Districts to the County to provide such service under 17B-1-407, Utah Code Annotated 1953 or resolutions of the County under 17B-1-408, Utah Code Annotated 1953.

# It is hereby found and determined by the Board that the creation of the Districts is appropriate to the general welfare, order and security of the County, and the organization of the District pursuant to the PID Act is hereby approved.

# The Governing Document in the form presented to this meeting and attached hereto as Exhibits A, is hereby authorized and approved and the Districts shall be governed by the terms thereof and applicable law.

# The Boards of the Districts are hereby appointed as follows:

## District No. 1

#### Trustee 1 – Dave Hirasawa for an initial 6 year term.

#### Trustee 2 – Tim Hendon for an initial 6 year term.

#### Trustee 3 – Bill Fiveash for an initial 4 year term.

## District No. 2

#### Trustee 1 – Dave Hirasawa for an initial 6 year term.

#### Trustee 2 – Tim Hendon for an initial 6 year term.

#### Trustee 3 – Bill Fiveash for an initial 4 year term.

## District No. 3

#### Trustee 1 – Dave Hirasawa for an initial 6 year term.

#### Trustee 2 – Tim Hendon for an initial 6 year term.

#### Trustee 3 – Bill Fiveash for an initial 4 year term.

## Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah for the respective District.

# The Board does hereby authorize the Chair or a Commissioner to execute the Boundary Notices in substantially the form attached as Exhibit B and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Board for submission to the Office of the Lieutenant Governor of the State of Utah.

# Prior to certification of the creation of the Districts by the Office of the Lieutenant Governor of the State of Utah, the Board does hereby authorize the Chair, a Commissioner, the County Economic Development Director, or the County Attorney to make any corrections, deletions, or additions to the Governing Document, and the Boundary Notice or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Board or the provisions of the laws of the State of Utah or the United States (provided that the debt and mill levy limitations established therein may not be modified pursuant to this provision).

# The Board of Trustees of each District (the “District Board”) is hereby authorized and directed to record such Governing Document with the recorder of Weber County within thirty (30) days of the issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

# If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

# All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

# This resolution shall take effect immediately provided that, in the event that the Plat is not finalized for submission to the Office of the Lieutenant Governor until a date that is more than 30 days after adoption of this Resolution, the effective date of this Resolution will be deemed to be the date the Plat is finalized, as certified in writing by any one of the Chair, a Commissioner, the County Economic Development Director, or the County Attorney.

DATED this \_\_\_\_\_ day of November, 2022.

BOARD OF COUNTY COMMISSIONERS

OF WEBER COUNTY

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Scott K. Jenkins, Chair

ATTEST:

Commissioner Froerer voted \_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Commissioner Jenkins voted \_\_\_\_\_\_

Richy Hatch, CPA Commissioner Harvey voted \_\_\_\_\_\_

Weber County Clerk/Auditor

EXHIBIT A

GOVERNING DOCUMENT

EXHIBIT B

NOTICE OF BOUNDARY ACTION

**NOTICE OF IMPENDING BOUNDARY ACTION**

**(District No. 1)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of Weber County, Utah (the “Board”), acting in its capacity as the creating entity for the Mount Ogden Public Infrastructure District No. 1 (the “District”), at a regular meeting of the Board, duly convened pursuant to notice, on November 22, 2022 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS, WEBER COUNTY, UTAH,**

**acting in its capacity as the creating authority for the Mount Ogden Public Infrastructure District No. 1,**

By: AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH )

:ss.

COUNTY OF WEBER )

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

NOTARY PUBLIC

**APPENDIX “A” TO NOTICE OF BOUNDARY ACTION**

**(District No. 1)**

**Copy of the Creation Resolution**

**APPENDIX “B” TO NOTICE OF BOUNDARY ACTION**

**(District No. 1)**

**Final Local Entity Plat**

**NOTICE OF IMPENDING BOUNDARY ACTION**

**(District No. 2)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of Weber County, Utah (the “Board”), acting in its capacity as the creating entity for the Mount Ogden Public Infrastructure District No. 2 (the “District”), at a regular meeting of the Board, duly convened pursuant to notice, on November 22, 2022 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS, WEBER COUNTY, UTAH,**

**acting in its capacity as the creating authority for the Mount Ogden Public Infrastructure District No. 2,**

By: AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH )

:ss.

COUNTY OF WEBER )

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

NOTARY PUBLIC

**APPENDIX “A” TO NOTICE OF BOUNDARY ACTION**

**(District No. 2)**

**Copy of the Creation Resolution**

**APPENDIX “B” TO NOTICE OF BOUNDARY ACTION**

**(District No. 2)**

**Final Local Entity Plat**

**NOTICE OF IMPENDING BOUNDARY ACTION**

**(District No. 3)**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of Weber County, Utah (the “Board”), acting in its capacity as the creating entity for the Mount Ogden Public Infrastructure District No. 3 (the “District”), at a regular meeting of the Board, duly convened pursuant to notice, on November 22, 2022 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Weber County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Board hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Board hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS, WEBER COUNTY, UTAH,**

**acting in its capacity as the creating authority for the Mount Ogden Public Infrastructure District No. 3,**

By: AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH )

:ss.

COUNTY OF WEBER )

SUBSCRIBED AND SWORN to before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022.

NOTARY PUBLIC

**APPENDIX “A” TO NOTICE OF BOUNDARY ACTION**

**(District No. 3)**

**Copy of the Creation Resolution**

**APPENDIX “B” TO NOTICE OF BOUNDARY ACTION**

**(District No. 3)**

**Final Local Entity Plat**