

**RESOLUTION NO. 03-2024**

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A CUSTODIAL AGREEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS (DIVISION) AND WEBER FIRE DISTRICT (DISTRICT), FOR LOAN AND USE OF FEDERAL EXCESS PERSONAL PROPERTY, SUBMITTING TO QUALIFICATIONS AND PARTICIPATING COMMITMENTS; AND PROVISIONS RELATED TO ACQUIRING, LICENSING, EQUIPPING, AND MAINTAINING EQUIPMENT; AUTHORIZING THE CHAIR TO SIGN SUCH AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

**SECTION 1. RECITALS**

**WHEREAS**, the Weber Fire District (the “District”) is a Local District created as a Service Area, a body politic and subdivision of the State of Utah, that provides fire protection and emergency services to the owners of certain real property, has distinct boundaries; and,

**WHEREAS**, in conformance with the provisions of Utah State Code, the Weber Fire District Board of Trustees as the governing body of the District may exercise all administrative powers by resolution; and,

**WHEREAS**, pursuant to the provisions of the Utah Interlocal Co-operation Act UCA §11-13-1, et seq., Utah Code Ann., 1953, as amended, (the “Act”), any power or powers, privileges or authority exercised or capable of exercise by a public agency of the state (defined as any political subdivision of the state, including municipalities and special districts of various kinds) may be exercised and enjoyed jointly with any other public agency, and that any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Act; and,

**WHEREAS**, the District is a party of an active “Custodial Agreement For Loan And Use Of Federal Excess Personal Property” pursuant to the, Utah Code Annotated 11-13-1, et seq., Utah Code Annotated 11-7-1, et seq., 1953, as amended, to establish and maintain a cooperative program for wildland fire protection in order to discharge the responsibilities of the County and the State for protection of unincorporated private, County and State owned forest, range and watershed lands from fire as provided by UCA, § 65A-8-203; prior to S.B. 56 approved in 2015; S.B. 122 and S.B. 212 approved in 2015, establishing new “Forestry, Fire and State Lands Fire Policy”, (UCA § 65A-8-203 (2017)) ; and

**WHEREAS**, the Parties hereby desire to establish and maintain a cooperative program for wildland fire protection in order to discharge the responsibilities of the County, District, and the State for protecting unincorporated private, County and state owned forest, range and watershed lands from fire as provided by UCA § 65A-8-203 (2017); and

**WHEREAS**, the Chair of the Board of Trustees is the authorized official of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT**, The Board of Trustees of the Weber Fire District, State of Utah, hereby authorizes approval of the “Custodial Agreement For Loan And Use Of Federal Excess Personal Property” (attached hereto as “*Attachment A*” and incorporated herein by this reference), and authorizes the Chair of the Board to sign any and all contracts, agreements, or other documents necessary to consummate said agreement; and, authorizes the District Clerk to sign any documents as may be required attesting to the fact that the Chair of the Board has been duly authorized to enter into such arrangements on behalf of the District.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage.

## **SECTION 2. REPEALER OF CONFLICTING ENACTMENTS:**

All orders and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the District, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

## **SECTION 3 - PRIOR RESOLUTIONS:**

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

## **SECTION 4 - SAVINGS CLAUSE:**

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the Board of Trustees of the Weber Fire District.

## **SECTION 5. DATE OF EFFECT:**

This Resolution shall be effective on the 13<sup>th</sup> day of February 2024, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF WEBER FIRE DISTRICT, STATE OF UTAH**, on this 13<sup>th</sup> day of February 2024.

WEBER FIRE DISTRICT  
Board of Trustees

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Kevin Ward, Board Chair

ATTEST:

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‘Andrea Fiske, District Clerk/  
Financial Services Manager