

TICABOO UTILITY IMPROVEMENT DISTRICT

RESOLUTION NO. 2024-02

A RESOLUTION OF THE TICABOO UTILITY IMPROVEMENT DISTRICT (“TUID”) REGARDING NORTH LAKE POWELL SOLID WASTE FEES

RECITALS

- A. On June 10, 2016 TUID and Ticaboo Resort, LLC, now known as North Lake Powell (“NLP”) and TUID reached an agreement for NLP to purchase dumpsters and transport its own trash from their commercial operations to the landfill and not be charged Solid Waste Fees (“Fees”), effective July 1, 2017 (the “2016 Letter”, attached as Exhibit A). The 2016 Letter reads in part, “We accept your offer to provide your own solid waste services internally for your **commercial** needs. As such, TUID will discontinue those services to you effective June 30, 2016 and you will be responsible for your own **commercial** waste collection and disposal”. At the time NLP ran a lodge, the Moki Grill restaurant, the Basecamp adventure center, and a boat shop (the “Exempt Commercial Accounts”), which were listed in the 2016 Letter. NLP located a dumpster in the lodge parking lot and one in front of the boat shop and arranged for periodic transport of their contents to the landfill. This agreement has been in effect continuously until the current day (the “Agreement Period”).
- B. In the 2017 NLP acquired and placed into service several residences for employee and rental houses (the “Commercial Residences”). At that time and with the cooperation of NLP, TUID, Garfield County and the Public Service Commission (“PSC”) the following occurred:
 - a. TUID enacted by Resolution 2017-01 and the PSC approved an amendment to the electrical tariffs, which amended Schedule 10 (large commercial) to allow for the “aggregation of multiple metered delivery points under a single corporate entity”, under the schedule 10 pricing structure.
 - b. Garfield County approved conditional use permits for the management of the Commercial Residences as a commercial operation.
 - c. NLP placed another dumpster adjacent to the Commercial Residences and arranged for periodic transport of its contents to the landfill.
- C. In July 2018 the RV Park was added to the Exempt Commercial Accounts and NLP placed another dumpster at the RV Park and arranged for periodic transport of its contents to the landfill.
- D. NLP has consistently had four dumpsters in use at the described locations and has consistently arranged for the transportation of their contents to the landfill during the Agreement Period. This fact has been known to TUID management during the Agreement Period.
- E. NLP has requested an audit of its accounts for the Agreement Period. The audit revealed the following:
 - a. NLP has been charged Fees, for the Commercial Residences starting in March 2017 through September 2019.
 - b. In October 2019 the Fees were discontinued by TUID without notice to NLP or reimbursement of previous charges.
 - c. In July 2021 the Fees were reinstated for ALL accounts by TUID. Again, NLP was not notified of the changes.

d. NLP has disputed these fees (“Disputed Fees”). NLP has paid the Disputed Fees with the monthly billing and has requested reimbursement of the Disputed Fees.

F. Based on the foregoing it has been determined that the Disputed Fees were inappropriately charged by TUID.

NOW, THEREFORE, THE BOARD RESOLVES AS FOLLOWS:

1. Fees for all current NLP accounts will be discontinued from January 1, 2024.
2. NLP will be required to continue to haul its own waste to the landfill from all businesses and rental and employee housing and not deposit any of it in the TUID dumpster.
3. Fees paid by NLP Between 2017 and 2023 will be reimbursed to NLP through a reduction of future connection fees. The details of such an arrangement will be worked out in the coming months.
4. All current NLP accounts are listed in Exhibit B. Additional accounts can be added to the Exempt Accounts only by mutual agreement.

DATED March ____, 2024.

ATTEST:

Alexa Wilson
Chair

John Motley
Clerk

Exhibit A



Ticaboo Utility Improvement District
Highway 276, Mile Marker 27
PO Box 2140
Ticaboo, UT 84533
435.788.8343
mail@TicabooUID.com
Providing Power, Water, Wastewater, Solid Waste Services
Since 2012

June 10, 2016

Delivered via E-Mail

David Curtis Ticaboo
Resort, LLC MM 28
HWY 276
Lake Powell, UT 84533 E-mail:
mntwest@gmail.com

Re: Solid Waste Services for Ticaboo Resort - Multiple Locations Mr.

Curtis,

We are in receipt of your email to TUID dated June 9, 2016 regarding commercial solid waste services at your locations known as: boat shop; lodge; Base Camp; and, Moki's. Please accept this letter as our response to that email and our official notice of cancellation of solid waste services at the aforementioned locations.

TUID appreciates your concern and consideration regarding our capital expenditures and expenses. We accept your offer to provide your own solid waste services internally for your commercial needs. As such, TUID will discontinue those services to you effective **June 30, 2016** and you will be responsible for your own commercial waste collection and disposal. This notice provides you ample time to secure your own solid waste disposal facilities to serve your needs. Your solid waste billing will continue for the month of June 2016 and beginning July 1, 2016 you will no longer be billed for any TUID commercial solid waste containers or services.

Thank you for being a long standing customer of TUID's solid waste services. We wish you the best of success in your endeavours.

If you should have any questions, please do not hesitate in contacting me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chip", with a stylized flourish extending to the right.

Chip Shortreed,
CEO & District Manager

Copy: TUID Board of Trustees File

Exhibit B

Commercial Accounts

<u>Type</u>	<u>Number</u>	<u>Location</u>
C	5000	Moki's
C	5001	Moki's
C	5002	Basecamp
C	5003	Lodge
C	5005	Office
C	5010	Boatshop
C	5100	RV Park
R	5004	Residence
R	5008	Residence
R	5009	Residence
R	5019	Residence
R	5048	Residence
R	5049	Residence
R	5050	Residence
R	5051	Residence
R	5052	Residence
R	5053	Residence
R	5054	Residence
R	5055	Residence
R	5056	Residence
R	5067	Residence
R	5071	Residence
R	5072	Residence
R	5073	Residence
R	5074	Residence
R	5076	Residence
R	5077	Residence
R	5078	Residence
R	5079	Residence
R	5080	Residence
R	5083	Residence
R	5084	Residence
R	5088	Residence
R	5089	Residence
R	5092	Residence
R	5098	Residence
R	5114	Residence