



## **UINTAH COUNTY CLERK-AUDITOR**

*147 East Main*

*Vernal, Utah 84078*

*Phone: (435) 781-5360*

*Fax (435) 781-6701*

*Michael W. Wilkins*  
*Clerk-Auditor*

# **PROPOSITION INFORMATION PAMPHLET**

For the referendum that has been filed to repeal Resolution #05-21-2024 R1, imposing a 0.3% Sales and Use Tax for Public Safety purposes as permitted under UCA 59-12-2216.

This pamphlet contains information to assist voters with making a decision on the referendum petition to repeal Resolution #05-21-2024 R1.

In this pamphlet you will find:

Referendum Application  
Initial Fiscal and Legal Impact Statement  
Legal Referability Statement

# LOCAL REFERENDUM APPLICATION

TO PLACE A CITIZEN'S REFERENDUM TO REPEAL RESOLUTION #5-21-2024 R1.

On May 21, 2024, the Board of Commissioners of Uintah County, Utah adopted Resolution #5-21-2024 R1, A RESOLUTION OF THE UINTAH COUNTY COMMISSION AUTHORIZATION OF THE IMPOSITION OF A 0.3% LOCAL OPTION SALES TAX FOR PUBLIC SAFETY UNDER UTAH CODE ANNOTATED (UCA) 59-12-2216.

The undersigned residents of Uintah County, Utah respectively submit the Referendum Application in response to adoption of Resolution #5-21-2024 R1. The proposed referendum will ask Uintah County residents to repeal the Board of Commissioners of Uintah County, Utah enactment of Resolution #5-21-2024 R1, with the result of not imposing a 0.3% Sales & Use Tax for Public Safety.

This application is being filed with the Clerk of Uintah County, Utah, in accordance with the Utah Code 20A-7-602 local referendum process; effective 5/3/2023. It is being submitted by five sponsors whose names are below and whose notarized signature pages and a copy of Resolution #5-21-2024 R1 are included.

Submitted on: Thursday, May 23, 2024

By the following sponsors:

Sponsor 1 *Kenneth Mark Caldwell*

Sponsor 2 *Jo E. Gardner*

Sponsor 3 *ANNA BILLINGS*

Sponsor 4 *Brian Keith Gorum*

Sponsor 5 *DANALAN DILSAVER*

Sponsor 6 *Kam K. Pope*

Sponsor 7 *MATTHEW PAUL CORBIN*

Sponsor 8

Sponsor 9

RECEIVED

MAY 23 2024

UINTAH COUNTY  
CLERK-AUDITOR

*MA* 11:33 AM

APPLICATION FOR REFERENDUM PETITION - To the Honorable Michael W. Wilkins, Uintah County Clerk-Auditor:

We the undersigned citizens of Uintah County, Utah, respectively order that Resolution #5-21-2024 R1, passed by the Uintah County Commission be referred to the voters for their approval or rejection at the regular general election to be held on November 5, 2024.

Each signer says:

I have personally signed this referendum petition;

The date next to my signature correctly reflects the date that I actually signed the petition;


I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah; and

My residence and post office address are written correctly after my name.

Persons gathering signatures for the referendum petition will not be paid for gathering signatures.

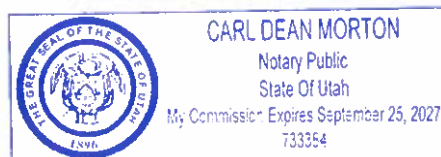
**Sponsor 1**

Signature:  Date: 5.23.2024  
Name: Kenneth mark Caldwell

Residence Address: 3081 W. 500 S.  
Vernal, UT 84078

STATE OF UTAH )  
 ) ss.  
COUNTY OF UINTAH )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared Kenneth Mark Caldwell, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:

Sept. 25<sup>th</sup>, 2027

  
Notary Public Signature  
Residing at: Vernal, UT

**Sponsor 2**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_

1301 N 500 E

VERNAL UTAH

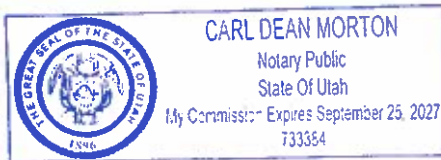
84078

STATE OF UTAH )

) ss.

COUNTY OF UINTAH )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared Jo E Gardner provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:

Sept. 25<sup>th</sup>, 2027

Carl Dean Morton

Notary Public Signature

Residing at: Vernal, UT

**Sponsor 3**

Signature:  Date: 5/23/2024

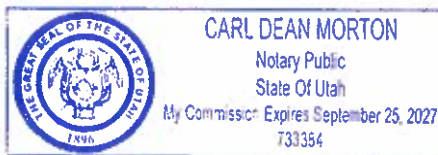
Name: ANNA CHANTEL BILLINGS

Residence Address: 234 S 3290 W.

VERNAL, UT 84078


STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UINTAH            )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared ANNA BILLINGS, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:

Sept. 25<sup>th</sup>, 2027

  
Notary Public Signature  
Residing at: Vernal, UT

**Sponsor 4**

Signature: Brian Keith Gorn Date: 5/23/2024  
Name: BRIAN KEITH GORN

Residence Address: 1595 South 1220 West  
Vernal, UT 84078

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

On this 23<sup>rd</sup> day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared BRIAN KEITH GORN, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:

Sept. 25<sup>th</sup>, 2027

Carl D. Morton  
Notary Public Signature  
Residing at: Vernal, UT

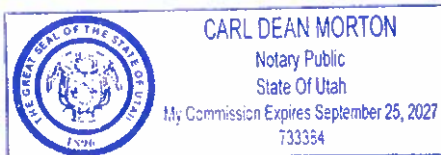
**Sponsor 5**

Signature: Dan Dilsaver Date: 5-23-2023  
Name: DAN ALAN DILSAVER

Residence Address: 201 N. 1500 W  
Vernal Utah 84078

STATE OF UTAH )  
 ) ss.  
COUNTY OF UINTAH )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared DAN DILSAVER, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:  
Sept. 25<sup>th</sup>, 2027

Carl D. Morton  
Notary Public Signature  
Residing at: Vernal, UT

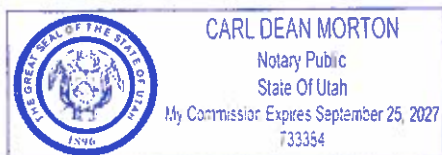
**Sponsor 6**

Signature: *Kam K Pope* Date: 5/23/24  
Name: Kam K Pope

Residence Address: 673 S 1850 W  
Vernal UT 84058

STATE OF UTAH )  
 ) ss.  
COUNTY OF UINTAH )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared Kam Pope, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:

Sept. 25<sup>th</sup>, 2027

*Carl D - [Signature]*  
Notary Public Signature  
Residing at: Vernal, UT



**Sponsor 7**

Signature: Matthew C. Corbin Date: 5/23/24  
Name: MATTHEW P. CORBIN - MATTHEW PAUL CORBIN

Residence Address: 245 W 250 S  
Vernal, UT 84078

STATE OF UTAH )  
 ) ss.  
COUNTY OF UTAH )

On this 23 day of May, in the year 2024, before me Carl Dean Morton, a notary public, personally appeared MATTHEW PAUL CORBIN, provided on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he executed the same.



My commission expires:  
Sept. 25<sup>th</sup>, 2027

Carl D. Morton  
Notary Public Signature  
Residing at: Vernal, UT

# UINTAH COUNTY RESOLUTION #5-21-2024 R1

A RESOLUTION OF THE UINTAH COUNTY COMMISSION AUTHORIZATION OF THE IMPOSITION OF A 0.3% LOCAL OPTION SALES TAX FOR PUBLIC SAFETY UNDER UTAH CODE ANNOTATED (UCA) 59-12-2216.

Whereas, Uintah County is authorized to impose a Local Option Sales Tax for Public Safety Purposes under UCA 59-12-2216 (3)(b); and

Whereas, there is an ongoing and acute need for Funding for Public Safety Purposes; and

Whereas, UCA 59-12-2216 (1) provides for the imposition of up to 0.3% sales and use tax for Public Safety Purposes; and

NOW THEREFORE, it is hereby resolved by the Uintah County Board of Commissioners to impose a 0.3% sales and use tax for Public Safety Purposes as permitted under UCA 59-12-2216. Said sales and use tax will be enacted by the Utah State Tax Commission and allocated 100% for the purpose of public safety to Uintah County upon passage of this resolution. Effective date for tax implementation, October 1st, 2024.

BOARD OF COUNTY COMMISSIONERS  
UINTAH COUNTY, UTAH

By: \_\_\_\_\_

*John Laursen*

John Laursen - Commission Chair

ATTEST:

*Michael W. Wilkins*

Michael W. Wilkins

Uintah County Clerk-Auditor

John Laursen

Aye ☒ Nay ☐

Sonja Norton

Aye ☒ Nay ☐

Brad Horrocks

Aye ☐ Nay ☒





*Michael W. Wilkins*  
*Clerk-Auditor*

## **UINTAH COUNTY CLERK-AUDITOR**

*147 East Main*  
*Vernal, Utah 84078*  
*Phone: (435) 781-5360*  
*Fax (435) 781-6701*

### **Uintah County- Initial Fiscal and Legal Impact Statement** **UCA 20A-7-602.5**

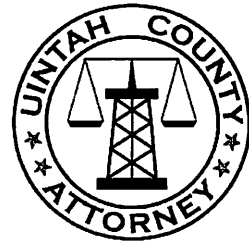
- i. This fiscal and legal impact statement prepared on behalf of Uintah County as presented regarding Resolution #5-21-2024 R1, approved on May 21, 2024, for the purpose of imposing a 0.3% Sales and Use Tax for Public Safety purposes as permitted under UCA 59-12-2216. The fiscal impact of repealing Resolution #5-21-2024 R1 is estimated to be a \$4,485,000 loss in revenue intended solely for the purpose of Public Safety. Specifically referring to the services involving the Uintah County Jail and the Uintah County Sheriff Department.
- ii. Repealing Resolution #5-21-2024 R1 would decrease the County sales tax by 0.30%, an estimated revenue of \$4,485,000.
- iii. Repealing Resolution #5-21-2024 R1 would result in no change in the issuance or status of bonds, notes, or other debt instruments.
- iv. The repeal of Resolution #5-21-2024 R1 will result in an estimated loss of \$4,485,000 for public safety services that will have to be funded by property tax.
- v. The repeal of Resolution #5-21-2024 R1 will cost the County \$4,485,000 to provide Public Safety services to the citizens of Uintah County. The approved 2024 budget for Public Safety services for the Sheriff and Jail alone are \$14,584,500. Revenues from Public Safety services are \$4,518,900 leaving expenses over revenues of \$10,065,000. The County is currently funding this short fall with \$3.5 million from savings. Property tax and other sales tax cover the balance. This will secure funding for Public Safety without the use of savings.
- vi. There are no legal impacts that would result from repealing Resolution #5-21-2024 R1.
- vii. Concise explanation of the information described in this section and estimated fiscal impact if repealed.

**If Resolution #5-21-2024 R1 is repealed, the imposed 0.3% Sales and Use Tax will not provide Public Safety with the estimated \$4,485,000 in revenue for ongoing expenses for the Uintah County Jail and the Sheriff Department. Public Safety is a crucial service to the community. Considering inflation, demand for services, and other unknown future events, Resolution #5-21-2024 R1 is expected to reduce the deficits that are not currently being covered by revenues the Jail and Sheriff generate. This Resolution is intended to help Public Safety with specific funds for growth, safety, and security for the citizens of Uintah County.**

# UINTAH COUNTY ATTORNEY'S OFFICE

641 East 300 South, Suite 200, Vernal, UT 84078

Jaymon Thomas, County Attorney  
Jonathan A. Stearmer, Chief Deputy – Civil Division



**To:** First Three Sponsors of the May 23, 2024 Local Referendum  
Application: Kenneth Mark Caldwell, Jo E. Gardner, Anna Billings

**Cc:** Uintah County Commission  
Uintah County Clerk-Auditor  
Brian Keith Gorum  
Dan Alan Dilsaver  
Kam K. Pope  
Matthew Paul Corbin

**From:** Uintah County Attorney's Office

**Date:** June 12, 2024

**Re:** Legal Referability of Proposed Referendum of Uintah County  
Resolution #5-21-2024 R1

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## FACTS

On May 23, 2024 the Uintah County Clerk-Auditor's Office received an application from certain sponsors, entitled "Local Referendum Application" This was then forwarded, same day, to the Uintah County Attorney's Office.

## QUESTION PRESENTED

Under U.C.A. §20A-7-602.7(1), the Uintah County Attorney's Office, as counsel for Uintah County, is charged with the high responsibility to determine whether the proposed referendum is legally referable to voters.

## ANALYSIS

Pursuant to U.C.A. §20A-7-602.7, "a proposed referendum is legally referable to voters unless:

- (a) The proposed referendum challenges an action that is administrative, rather than legislative, in nature;
- (b) The proposed referendum challenges more than one law passed by the local legislative body; or

- (c) The application for the proposed referendum was not timely filed or does not comply with the requirements of this part."

### **Nature of Action**

The power to tax is one of the most fundamental legislative powers authorized by the Utah Constitution. Additionally the statute granting authority to counties to impose this tax repeatedly authorizes the "county legislative body" to impose such tax. *U.C.A. 59-12-2216*. Therefore it is clear on the face of the statute that this is a legislative action.

### **Number of Challenged Laws**

The Local Referendum Application only challenges one law, as authorized by the Utah State Legislature, Uintah County Resolution #5-21-2024 R1.

### **Timeliness**

The resolution in question was adopted by the Uintah County's legislative body on May 21, 2024. *U.C.A. 20A-7-601* requires an application challenging a local law passed by the legislative body to be filed within five days after the day on which the local law was passed. The application was received by the Uintah County Clerk-Auditor on May 23, 2024. Therefore, timeliness is not questioned here.

### **Compliance With Part 6 of Title 20A Chapter 7**

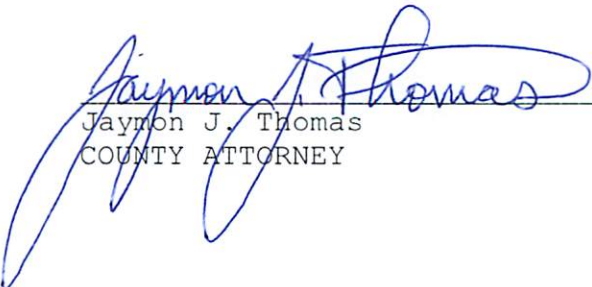
*U.C.A. §20A-7-602(2)* requires the following to be included in the application:

- (a) The name and residence address of at least five sponsors of the referendum petition;
- (b) A statement indicating that each of the sponsors is registered to vote in Utah;
- (c) A statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures;
- (d) The signature of each of the sponsors, acknowledged by a notary public; and
- (e) (i) if the referendum challenges an ordinance or resolution, one copy of the law

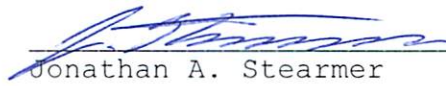
It appears on the face of the application that all five requirements above were met.

### **CONCLUSION**

After careful analysis of application and relevant statutes, the action taken by the Uintah County Commission in adopting Uintah County Resolution #5-21-2024 R1 is legally referable to the voters.



Jaymon J. Thomas  
COUNTY ATTORNEY



Jonathan A. Stearmer  
CHIEF DEPUTY COUNTY ATTORNEY