

NOTICE OF BOARD VACANCY

NOTICE IS HEREBY GIVEN, that there is currently a vacancy on both the Board of Trustees (individually a “**Board**” and collectively the “**Boards**”), of the WPR Utility District and WPR Road and Fire District (individually a “**District**” and collectively the “**Districts**”). The Morgan County Commission, the appointing authority for the Districts will meet on Tuesday, the 19th day of November, 2024 at 5 p.m., in the County Commission Meeting Room located 48 West Young Street, Morgan, UT 84050, to appoint a person to fill the vacancies on the Boards. Any qualified person interested in being appointed to a Board or the Boards must provide their name and indicate the Board or Boards then send no later than 5:00 p.m. on November 11th, 2024, to: Leslie Hyde, Morgan County Clerk, 48 West Yong Street, Morgan, UT 84050, lhyde@morgancountyutah.gov

In accordance with Utah law, to be qualified to serve on a Board, a person must be a resident within the boundaries of the respective District, an owner of land within the respective District that receives service from the respective District, or an agent or officer of such owner.

End of Notice.

**CONSENT RESOLUTION OF
WASATCH PEAKS RANCH, LLC, THE MASTER DEVELOPER OF
WASATCH PEAKS RANCH, A PRIVATE PLANNED RECREATIONAL COMMUNITY**

The undersigned, being the manager of WASATCH PEAKS RANCH, LLC, a Delaware limited liability company ("**Company**"), does hereby waive notice of a meeting of the Managers, as such term is defined in the Amended and Restated Operating Agreement of Wasatch Peaks Ranch, LLC dated as of November 15, 2019, and consents and resolves as follows:

WHEREAS, Company is the sole master developer of Wasatch Peaks Ranch, a private planned recreational community ("**Project**") situated within the unincorporated area of Morgan County, Utah ("**County**") and the boundaries of both the WPR Utility District and the WPR Road and Fire District (collectively, "**Districts**") and is the "**Declarant**" pursuant to that certain Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Wasatch Peaks Ranch ("**Declaration**"), which has been recorded in the official records of the Morgan County Recorder's Office, Morgan County, Utah ("**Official Records**") on May 3, 2022, as Entry No. 160853, Book 391, Page 402;

WHEREAS, the County approved, and Company and County entered into that certain Development Agreement for the "Wasatch Peaks Ranch" between Company and Morgan County, dated October 30, 2019 and recorded November 7, 2019, as Entry No. 149303, Book 355, Page 1235 in the Official Records, as amended by the First Amendment to WPR Development Agreement for Wasatch Peaks Ranch Resort Special District (RSD), recorded on October 6, 2021, as Entry No. 158611, Book 383, Page 650 in the Official Records, as the same may be further amended from time to time (collectively, "**Development Agreement**") for the purpose of allowing Company to voluntarily develop the Project as further detailed in the Development Agreement;

WHEREAS, pursuant to Section 2.9 of the Declaration, Company requested that County create the Districts.

WHEREAS, pursuant to Utah Code Ann. §§ 17B-1-101, *et seq.*, as amended and pursuant to Morgan County Resolution CR-21-04, County created the WPR Utility District, which creation is affirmed by that certain Certificate of Creation from the Office of the Lieutenant Governor of the State of Utah, dated August 26, 2021, and recorded in the Official Records on December 6, 2021 as Entry No. 159240, Book 385, Page 1471, and the WPR Road and Fire District, which creation is affirmed by that certain Certificate of Creation from the Office of the Lieutenant Governor of the State of Utah, dated August 26, 2021, and recorded in the Official Records on December 6, 2021 as Entry No. 159242, Book 385, Page 1504.

WHEREAS, Vance Bostock has resigned from the Board of the Wasatch Peaks Ranch Utility District ("**Utility District Board**") and the Board of the Wasatch Peaks Ranch Road and Fire District ("**Road and Fire District Board**", and together with the Utility District Board, "**Boards**"), leaving an empty seat on both Boards;

WHEREAS, notice for the empty seats on the Boards has been posted, and Company desires to nominate and recommend to County that Jenny Robinson ("**Robinson**") fill the open seats on both Boards;

NOW, THEREFORE, BE IT RESOLVED that the undersigned hereby adopts the foregoing recitals and incorporate them herein;

RESOLVED that, should County appoint Robinson to the Utility District Board, Robinson is duly

authorized as an agent of Company for the purpose of qualifying to serve on the Utility District Board pursuant to Utah law;

RESOLVED that Robinson's agency representing Company will immediately terminate should Robinson resign from his position on the Utility District Board;

RESOLVED that at such time as Robinson ceases to be an agent of Company (for whatever reason or no reason whatsoever, and as determined in the sole discretion of Company) Robinson must immediately, resign and terminate Robinson's position on the Utility District Board for reason of no longer being qualified to serve on the Utility District Board pursuant to Utah law;

RESOLVED that, should County appoint Robinson to the Road and Fire District Board, Robinson is duly authorized as an agent of Company for the purpose of qualifying to serve on the Road and Fire District Board pursuant to Utah law;

RESOLVED that Robinson's agency representing Company will immediately terminate should Robinson resign from his position on the Road and Fire District Board;

RESOLVED that at such time as Robinson ceases to be an agent of Company (for whatever reason or no reason whatsoever, and as determined in the sole discretion of Company) Robinson must immediately resign and terminate Robinson's position on the Road and Fire District Board for reason of no longer being qualified to serve on the Road and Fire District Board pursuant to Utah law;

RESOLVED that the form of Owner Recommendation and Certificate of Board Qualifications attached hereto as EXHIBIT "A" ("**Recommendation**") is hereby approved;

RESOLVED that as an authorized officer of Wasatch Peaks Ranch Management, LLC, the manager of Company, Ed Schultz is duly authorized to execute the Recommendation, and submit the Recommendation (or cause it to be submitted) to the County; and

RESOLVED that this Consent Resolution may be executed in any number of counterparts, including counterparts signed electronically and sent by electronic transmission, with the same effect as if the signatures upon any counterpart were upon the same instrument and all signed counterparts will be deemed to be an original.

[Remainder of this page is intentionally blank. Signature page follows.]

EXECUTED, this 17 day of September 2024.

**WASATCH PEAKS RANCH, LLC,
A Delaware Limited Liability Company**

ITS: WASATCH PEAKS RANCH MANAGEMENT, LLC,
MANAGER

BY: 
Ed Schultz, Authorized Officer

EXHIBIT "A"

**Owner Recommendation and Certificate of Qualifications For Appointment to the WPR Utility
District and WPR Road and Fire District Board of Trustees**

**OWNER RECOMMENDATION AND CERTIFICATE OF QUALIFICATIONS FOR
APPOINTMENT TO THE WPR UTILITY DISTRICT AND WPR ROAD AND FIRE DISTRICT
BOARDS OF TRUSTEES**

WASATCH PEAKS RANCH, LLC ("**Owner**"), a current owner of land situated within the unincorporated area of Morgan County, Utah ("**County**") and the boundaries of both the WPR Utility District and the WPR Road and Fire District (collectively, "**Districts**"), hereby submits and recommends to the County that JENNY ROBINSON ("**Recommended Appointee**") be appointed by the County Commission to serve on both Boards of Trustees of the Districts ("**Boards**"), in accordance with the following:

1. Pursuant to Utah Code Ann. § 17B-1-302(3)(a) ("**Utah Law**"), in any special district located solely within a county of the fourth class that has within the district's boundaries fewer than one residential dwelling unit per ten acres of land, each member of a special district board of trustees shall be a resident within the boundaries of the special district, an owner of land within the special district that receives service from the district, or an agent or officer of such owner.
2. The County is a county of the fourth class.
3. The maximum density within the Districts' boundaries is fewer than one residential dwelling unit per ten acres of land.
4. Owner hereby certifies that **Recommended Appointee is an agent or officer of Owner** ("**Agent**") and, in accordance with Utah Law, is duly qualified to serve on the Boards.
5. Recommended Appointee hereby certifies, acknowledges, consents, and agrees that Recommended Appointee: (i) is an Agent; (ii) is willing to serve on the Boards for such period of time as Recommended Appointee is an Agent; and (iii) at such time as Recommended Appointee ceases to be an Agent (for whatever reason or no reason whatsoever, and as determined in the sole discretion of Owner) Recommended Appointee will be required to, and will immediately resign and terminate Recommended Appointee's positions on each and both Boards for reason of no longer being qualified to serve on the Boards pursuant to Utah Law.

DATED, this 17 day of Sept 2024.

OWNER:

WASATCH PEAKS RANCH, LLC,
a Delaware limited liability company

By: Wasatch Peaks Ranch Management, LLC,
Its Manager

By: 

Name: ED SCHULTZ

Its: MANAGING DIRECTOR

RECOMMENDED APPOINTEE:



Jenny Robinson

[Utah Code Ann. § 17B-1-304](#)

Current through the 2024 3rd Special Session.

Utah Code Annotated > Title 17B Limited Purpose Local Government Entities — Special Districts (Chs. 1 — 4) > Chapter 1 Provisions Applicable to All Special Districts (Pts. 1 — 14) > Part 3 Board of Trustees (§§ 17B-1-301 — 17B-1-314)

17B-1-304. Appointment procedures for appointed members — Notice of vacancy.

(1) The appointing authority may, by resolution, appoint persons to serve as members of a special district board by following the procedures established by this section.

(2)

(a) In any calendar year when appointment of a new special district board member is required, the appointing authority shall prepare a notice of vacancy that contains:

(i) the positions that are vacant that shall be filled by appointment;

(ii) the qualifications required to be appointed to those positions;

(iii) the procedures for appointment that the governing body will follow in making those appointments; and

(iv) the person to be contacted and any deadlines that a person shall meet who wishes to be considered for appointment to those positions.

(b) The appointing authority shall publish the notice of vacancy for the special district, as a class A notice under [Section 63G-30-102](#), for at least one month before the deadline for accepting nominees for appointment.

(c) The appointing authority may bill the special district for the cost of preparing, printing, and publishing the notice.

(3)

(a) After the appointing authority is notified of a vacancy and has satisfied the requirements described in Subsection (2), the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.

(b) The appointing authority shall:

(i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the appointment;

(ii) allow any interested persons to be heard; and

(iii) adopt a resolution appointing a person to the special district board.

(c) If no candidate for appointment to fill the vacancy receives a majority vote of the appointing authority, the appointing authority shall select the appointee from the two top candidates by lot.

(4) Persons appointed to serve as members of the special district board serve four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of the appointing body.

(5)

Utah Code Ann. § 17B-1-304

(a) At the end of each board member's term, the position is considered vacant, and, after following the appointment procedures established in this section, the appointing authority may either reappoint the incumbent board member or appoint a new member.

(b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a successor is elected or appointed and qualified in accordance with [Subsection 17B-1-303\(2\)\(b\)](#).

(6) Notwithstanding any other provision of this section, if the appointing authority appoints one of its own members and that member meets all applicable statutory board member qualifications, the appointing authority need not comply with Subsection (2) or (3).

History

C. 1953, 17A-1-303, enacted by [L. 1991, ch. 273, § 5](#); [1997, ch. 36, § 1](#); [2006, ch. 14, § 15](#); renumbered by [L. 2007, ch. 329, § 148](#); [2009, ch. 388, § 90](#); [2011, ch. 297, § 40](#); [2012, ch. 97, § 4](#); [2013, ch. 448, § 5](#); [2014 ch. 377, § 8](#), effective May 13, 2014; [2017 ch. 112, § 5](#), effective May 9, 2017; [2021 ch. 355, § 54](#), effective May 5, 2021; 2022 ch. 381, § 5, effective May 4, 2022; [2023 ch. 15, § 52](#), effective February 27, 2023; [2023 ch. 435, § 98](#), effective May 3, 2023.

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Utah Code Ann. § 63G-30-102

Current through the 2024 3rd Special Session.

Utah Code Annotated > Title 63G General Government (Chs. 1 — 33) > Chapter 30 Public Notice (§§ 63G-30-101 — 63G-30-102)

63G-30-102. Public notice classifications and requirements.

(1) A public body or a government official that is required to provide a class A notice:

(a) shall publish the public notice on the Utah Public Notice Website;

(b) shall publish the public notice on the public body's or government official's official website, if the public body or government official:

(i) maintains an official website; and

(ii) has an annual operating budget of \$250,000 or more; and

(c) except as provided in Subsection (4), and subject to Subsection (5), post the public notice in connection with the affected area as follows:

(i) if the affected area is a municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;

(ii) if the affected area is a proposed municipality with a population of less than 2,000, in a public location in or near the affected area that is reasonably likely to be seen by residents of the affected area;

(iii) if the affected area is an area other than an area described in Subsections (1)(c)(i), (1)(c)(ii), or (1)(c)(iv) through (viii), in a public location in or near the affected area that is reasonably likely to be seen by:

(A) residents of the affected area; or

(B) if there are no residents within the affected area, individuals who pass through or near the affected area;

(iv) if the affected area is a county, in a public location within the county that is reasonably likely to be seen by residents of the county;

(v) if the affected area is a municipality with a population of 2,000 or more, or a proposed municipality with a population of 2,000 or more, in a public location within the municipality or proposed municipality that is reasonably likely to be seen by residents of the municipality or proposed municipality;

(vi) if the affected area is a public street, on or adjacent to the public street;

(vii) if the affected area is an easement:

(A) on or adjacent to the easement; or

(B) in a public location that is reasonably likely to be seen by persons who are likely to be impacted by the easement; or

(viii) if the affected area is an interlocal entity, within, or as applicable near, each jurisdiction that is part of the interlocal entity, in accordance with the provisions of this Subsection (1) that apply to that jurisdiction.

(2) Subject to Subsection (5), a public body or a government official that is required to provide a class B notice shall:

- (a)** comply with the requirements described in Subsection (1) for a class A notice;
- (b)** if a statute, county ordinance, or municipal ordinance requires that the notice be provided for a designated geographic area, mail or otherwise deliver the public notice or a notice summary statement to each residence within, and, in accordance with Subsection (3), to each owner of real property located within, the designated geographic area; and
- (c)** if a statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or a notice summary statement, in accordance with Subsection (3), to each designated person and real property owner.

(3) When providing notice to a real property owner under Subsection (2)(b) or (c), the public body or government official shall:

- (a)** use the current residential or business address of the real property owner;
- (b)** if the public body or government official is not reasonably able to obtain the address described in Subsection (3)(a), use the last known address of the real property owner that the public body or government official is able to obtain via a reasonable inquiry into public records; or
- (c)** if the public body or government official is not reasonably able to obtain an address described in Subsection (3)(a) or (b), post the notice on the real property.

(4) A government official, a public body, or any other body that is required to post notice under Subsection (1) is not required to comply with Subsection (1)(c) if:

- (a)** the affected area is the state;
- (b)** the body is a specified body, as defined in [Section 52-4-103](#);
- (c)** the public body is the Legislature or a public body within the state legislative branch; or
- (d)** the government official is required to post the notice on behalf of a body described in Subsection (4)(b) or (c).

(5) If a statute, ordinance, or rule requires a public body or government official to provide notice for a period of time:

- (a)** in relation to posting the notice on the Utah Public Notice Website, the requirement is not violated due to temporary technological issues that interrupt the posting, unless the posting is interrupted for more than 25% of the required posting time;
- (b)** in relation to posting the notice in a physical location, the requirement is fulfilled if:
 - (i)** the notice is posted at or, except to the extent prohibited by law, before the beginning of the period of time;
 - (ii)** the public body or government official does not remove the posting before the end of the period of time; and
 - (iii)** until the end of the period of time, the public body or government official:
 - (A)** periodically verifies that the notice remains in place; and
 - (B)** replaces the notice within a reasonable time after discovering that the notice has been removed or damaged; and

(c) in relation to mailing, sending, or otherwise delivering notice to a person, the mailing is made at or, except to the extent prohibited by law, before, the beginning of the period of time.

History

[2023 ch. 435, § 164](#), effective May 3, 2023.

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