

PEAKS PUBLIC INFRASTRUCTURE DISTRICT

SPECIAL MEETING

Wednesday, December 3, 2025 at 2:00 p.m.

ANCHOR LOCATION: 5160 S 1500 W, Riverdale, Utah 84405

This meeting is open to the public and may be joined using the following information:

LINK:

<https://us06web.zoom.us/j/82044320954?pwd=eabMCutbR1DqoDkjoLiDORYmv5QxvF.1&jst=1>

Meeting ID: 820 4432 0954

Passcode: 075197

Call-in Number: 1-720-707-2699

Trustees	Terms
Blair Gardner, Chair	Term from March 18, 2024 to 6 years from appointment
Pat Burns, Vice Chair, Treasurer	Term from March 18, 2024 to 4 years from appointment
Nate Reeve, Secretary	Term from March 18, 2024 to 6 years from appointment
Vacant	Term from [____], 20[____] to 4 years from appointment
Vacant	Term from [____], 20[____] to 4 years from appointment

NOTICE OF SPECIAL MEETING AND AGENDA

1. Call to Order/Declaration of Quorum
2. Preliminary Action Items
 - a. Approval of Agenda
 - b. Confirm Conflict of Interest Disclosures
3. Public Comment – Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes.
4. Action Items
 - a. Approve Minutes from February 25, 2025 Special Meeting (**enclosure**)
 - b. Approve September 30, 2025 Unaudited Financial Statements (**enclosure**)
 - c. Approve Proposal for 2025 Audit Services
 - d. Adopt Resolution Adopting District Bylaws (**enclosure**)
 - e. Adopt Annual Administrative Resolution (2026) (**enclosure**)
 - f. Ratification of 2024 Annual Report Filing (**enclosure**)

5. Tentative 2025 Amended Budget (**enclosure**)
 - a. Consider Adoption of Tentative 2025 Amended Budget and Confirm Public Hearing for December 15, 2025 at 11:00 am to hear public comment on the same
6. Tentative 2026 Budget (**enclosure**)
 - a. Consider Adoption of Tentative 2026 Budget and Confirm Public Hearing for December 15, 2025 at 11:00 am to hear public comment on the same
7. Administrative Non-Action Items
 - a. Confirmation of Completed Trustee Training – [Open and Public Meetings Act Training 2025](#)
 - b. Confirmation of Completed Trustee Training required by state auditor for New Board Members: <https://training.auditor.utah.gov>
8. Adjourn

MINUTES OF A SPECIAL MEETING
PEAKS PUBLIC INFRASTRUCTURE DISTRICT
BOARD OF TRUSTEES

Tuesday, February 25, 2025 at 8:00 a.m.
5160 S 1500 W, Riverdale, Utah 84405

The meeting was also held via teleconference and open to the public.

Attendance

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Utah. The following members were in attendance:

Blair Gardner

Pat Burns

Nate Reeve

Also present: Megan J. Murphy, Esq. and Betsy Fowler-Russon, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; Amanda Castle, Pinnacle Consulting Group, LLC, District Accountant; and Chase Hanusa, The Connexion Group.

Call to Order/Declaration of Quorum

It was noted that a quorum of the Board was present. Upon a motion duly made and seconded, the meeting was called to order.

Preliminary Action Items

None.

Approval of Agenda

The Board reviewed the proposed agenda for the meeting. Following discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Gardner, and upon a vote unanimously carried, the Board approved the agenda as presented.

Public Comment

No members of the public were in attendance.

Action Items

Approve Minutes from January 14, 2025 Special Meeting

Ms. Murphy presented the minutes from the January 14, 2025 special meeting to the Board for consideration. Following review and discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Gardner, and upon a vote unanimously carried, the Board approved the minutes from the January 14, 2025 special meeting.

Approve Amended and Restated Infrastructure Acquisition and Reimbursement Agreement with Peaks Townhomes, LLC

Ms. Murphy presented the Amended and Restated Infrastructure Acquisition and Reimbursement Agreement with Peaks Townhomes, LLC to the Board for consideration. Following review and discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Gardner, and upon a vote unanimously carried, the Board approved the Amended and Restated Infrastructure Acquisition and Reimbursement Agreement with Peaks Townhomes, LLC.

Approve Resolution No. 2 Accepting Costs Pursuant to Infrastructure Acquisition and Reimbursement Agreement

Mr. Hanusa presented Resolution No. 2 Accepting Costs Pursuant to Infrastructure Acquisition and Reimbursement Agreement to the Board for consideration. Following review and discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Reeve, and upon a vote unanimously carried, the Board approved Resolution No. 2 Accepting Costs Pursuant to Infrastructure Acquisition and Reimbursement Agreement.

Approve Resolution No. 1 Accepting Infrastructure Pursuant to Infrastructure Acquisition and Reimbursement Agreement (added)

Ms. Murphy presented Resolution No. 1 Accepting Infrastructure Pursuant to Infrastructure Acquisition and Reimbursement Agreement to the Board for consideration. Following review and discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Gardner, and upon a vote unanimously carried, the Board approved Resolution No. 1 Accepting Infrastructure Pursuant to Infrastructure Acquisition and Reimbursement Agreement.

Approve Proposal for 2024 Audit Services

Ms. Castle presented the proposals for 2024 Audit Services to the Board for consideration. Following review and discussion, upon a motion duly made by Mr. Burns, seconded by Mr. Gardner, the Board authorized Mr. Burns to approve engagement of an auditor for 2024 Audit Services within the adopted budget.

Administrative Non-Action Items

Confirmation of Completed Trustee Training – Open and Public Meetings Act Training 2025

Ms. Murphy reminded the Board members to complete the Annual Trustee Training regarding the Open and Public Meetings Act required by the state auditor for all Board members. No action was taken.

Confirmation of Completed Trustee Training Required by state auditor for New Board Members:
<https://training.auditor.utah.gov>

Ms. Murphy reminded the Board members to complete the District Board Member Training required by the state auditor for all Board members within one year of their appointment/election. No action was taken.

Adjourn

There being no further business to come before the Board and upon a motion duly made, seconded, and unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Nate Reeve
District Clerk/Secretary

The foregoing minutes were approved on the 3rd day of December, 2025.

PEAKS PUBLIC INFRASTRUCTURE DISTRICT

FINANCIAL STATEMENTS

September 30, 2025

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
BALANCE SHEET**

	Unaudited Actual 12/31/2024	Unaudited Actual 9/30/2025
Assets		
Current Assets		
Cash - Admin Fund	\$ 88,800	\$ 42,864
Cash - Reserve Fund	215,805	221,474
Cash - Capital Interest Fund	297,310	235,558
Cash - Construction Fund	2,034,244	3,969
Cash - COI Fund	20,341	9,970
Cash - Assessment Fund	-	36,171
Total Current Assets	<u>\$ 2,656,500</u>	<u>\$ 550,006</u>
Long-Term Assets		
CIP	\$ -	\$ 2,042,366
Total Long-Term Assets	<u>\$ -</u>	<u>\$ 2,042,366</u>
Total Assets	<u>\$ 2,656,500</u>	<u>\$ 2,592,371</u>
Liabilities		
Long-Term Liabilities		
Bond Payable	\$ 2,900,000	\$ 2,900,000
Total Long-Term Debt	<u>\$ 2,900,000</u>	<u>\$ 2,900,000</u>
Total Liabilities	<u>\$ 2,900,000</u>	<u>\$ 2,900,000</u>
Fund Equity		
Net investment in Fixed Assets	\$ (2,900,000)	\$ (857,634)
Fund Balance		
Restricted	2,567,700	496,655
Unassigned	88,800	53,351
Total Fund Equity	<u>\$ (243,500)</u>	<u>\$ (307,629)</u>
Total Liabilities and Fund Equity	<u>\$ 2,656,500</u>	<u>\$ 2,592,371</u>
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PEAKS PUBLIC INFRASTRUCTURE DISTRICT
GENERAL FUND

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amend Budget	Actual Through 9/30/2025	Variance Through 9/30/2025	2026 Tentative Budget
Revenues						
Interest and Other Income	\$ -	\$ -	\$ 3,500	\$ 2,333	\$ 1,167	\$ 2,500
Developer Advances	-	32,500	-	-	-	30,000
Total Revenues	\$ -	\$ 32,500	\$ 3,500	\$ 2,333	\$ 1,167	\$ 32,500
Expenditures						
Accounting and Finance	\$ -	\$ 12,000	\$ 13,000	\$ -	\$ 13,000	\$ 15,000
Audit	-	-	10,000	-	10,000	10,000
Insurance	-	3,500	5,818	5,818	(0)	5,900
Legal	-	12,000	35,000	31,964	3,036	25,000
Contingency	-	5,000	-	-	-	5,000
Total Expenditures	\$ -	\$ 32,500	\$ 63,818	\$ 37,782	\$ 26,036	\$ 60,900
Other Sources/(Uses) of Funds:						
Transfer from Other Fund	\$ 88,800	\$ -	\$ -	\$ -	\$ -	\$ -
Net Other Sources/(Uses) of Funds:	\$ 88,800	\$ -	\$ -	\$ -	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 88,800	\$ -	\$ (60,318)	\$ (35,449)	\$ (24,869)	\$ (28,400)
Beginning Fund Balance	\$ -	\$ -	\$ 88,800	\$ 88,800	\$ -	\$ 28,482
Ending Fund Balance	\$ 88,800	\$ -	\$ 28,482	\$ 53,351	\$ (24,869)	\$ 82
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TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ -	\$ 32,500	\$ 63,818	\$ 37,782	\$ 26,036	\$ 60,900

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
DEBT SERVICE FUND**

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amend Budget	Actual Through 9/30/2025	Variance Through 9/30/2025	2026 Tentative Budget
Revenues						
Interest and Other Income	\$ -	\$ 50,000	\$ 20,000	\$ 12,852	\$ 7,148	\$ 35,000
Assessment Fee	-	-	72,342	36,171	36,171	220,000
Total Revenues	\$ -	\$ 50,000	\$ 92,342	\$ 49,023	\$ 43,319	\$ 255,000
Expenditures						
Bond Interest	\$ -	\$ 174,000	\$ 146,000	\$ 68,935	\$ 77,065	\$ 152,250
Bond Principal	-	-	82,856	-	82,856	250,000
Trustee Fee	-	-	-	-	-	5,000
Contingency	-	50,000	50,000	-	50,000	-
Total Expenditures	\$ -	\$ 224,000	\$ 278,856	\$ 68,935	\$ 209,921	\$ 407,250
Other Sources/(Uses) of Funds:						
Transfer From Capital Fund	\$ 513,115	\$ -	\$ -	\$ -	\$ -	\$ -
Net Other Sources/(Uses) of Funds:	\$ 513,115	\$ -	\$ -	\$ -	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 513,115	\$ (174,000)	\$ (186,514)	\$ (19,913)	\$ (166,601)	\$ (152,250)
Beginning Fund Balance	\$ -	\$ 397,000	\$ 513,115	\$ 513,115	\$ -	\$ 326,601
Ending Fund Balance	\$ 513,115	\$ 223,000	\$ 326,601	\$ 493,203	\$ (166,601)	\$ 174,351
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Components of Ending Fund Balance						
Capitalized Interest	\$ -	\$ -	\$ 166,623	\$ 235,558	\$ (68,935)	\$ 14,373
Debt Service Reserve	-	-	159,978	221,474	(61,495)	159,978
Ending Fund Balance	\$ -	\$ -	\$ 326,601	\$ 457,032	\$ (130,431)	\$ 174,351
TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ -	\$ 224,000	\$ 278,856	\$ 68,935	\$ 209,921	\$ 407,250

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
CAPITAL PROJECTS FUND**

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amend Budget	Actual Through 9/30/2025	Variance Through 9/30/2025	2026 Tentative Budget
Revenues						
Interest and Other Income	\$ -	\$ 50,000	\$ 17,500	\$ 12,450	\$ 5,050	\$ 50,000
Total Revenues	\$ -	\$ 50,000	\$ 17,500	\$ 12,450	\$ 5,050	\$ 50,000
Expenditures						
Capital Outlay	\$ -	\$ -	\$ 2,061,354	\$ 2,043,271	\$ 18,083	\$ -
Engineering	-	-	-	9,581		
Cost of issuance	243,500	-	10,731	10,731	0	-
Contingency	-	50,000	-	-	-	50,000
Total Expenditures	\$ 243,500	\$ 50,000	\$ 2,072,085	\$ 2,063,582	\$ 8,503	\$ 50,000
Other Sources/(Uses) of Funds:						
Bond Proceeds	\$ 2,900,000	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer to Debt Service Fund	(513,115)	-	-	-	-	-
Transfer to General Fund	(88,800)	-	-	-	-	-
Net Other Sources/(Uses) of Funds:	\$ 2,298,085	\$ -	\$ -	\$ -	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 2,054,585	\$ -	\$ (2,054,585)	\$ (2,051,132)	\$ (3,453)	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ 2,054,585	\$ 2,054,585	\$ -	\$ (0)
Ending Fund Balance	\$ 2,054,585	\$ -	\$ (0)	\$ 3,452	\$ (3,453)	\$ (0)
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TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ 845,415	\$ 50,000	\$ 2,072,085	\$ 2,063,582	\$ 8,503	\$ 50,000

PEAKS PUBLIC INFRASTRUCTURE DISTRICT RESOLUTION

ADOPTING DISTRICT BYLAWS

WHEREAS, Peaks Public Infrastructure District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Utah, duly organized and existing pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 (the “**Utah Code**”) as amended from time to time and any successor statute thereto and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953; and

WHEREAS, the Board is authorized under Utah Code Sections [17D-4-103](#) and [17B-1-301\(2\)\(h\)](#) to adopt bylaws; and

WHEREAS, the District wishes to adopt bylaws, including the general ethics and fraud prevention policies included therein, to comply with Utah state regulations, satisfy audit requirements, and prevent fraud.

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

1. Adoption of District Bylaws. The Board hereby adopts the Peaks Public Infrastructure District Bylaws (the “**Bylaws**”) set forth in **Exhibit A**, attached hereto and incorporated herein.

Remainder of Page Intentionally Left Blank, Signature Page Follows

ADOPTED DECEMBER 3, 2025.

DISTRICT:

**PEAKS PUBLIC INFRASTRUCTURE
DISTRICT**, a quasi-municipal corporation and
political subdivision of the State of Utah

By: _____

Officer of the District

PEAKS PUBLIC INFRASTRUCTURE DISTRICT BYLAWS

PREAMBLE

These Bylaws of the Peaks Public Infrastructure District (the “**District**”) are a reaffirmation of the Governing Document (defined below) of the District organized under the laws of the State of Utah with purposes as stated herein.

The District is a quasi-municipal corporation and political subdivision of the State of Utah, duly organized and existing pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953, and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended from time to time and any successor statute thereto (together the “**Act**”).

Article I Name, Purpose, and Powers

The name of this governmental entity is Peaks Public Infrastructure District. The Board oversees the operation of the District. On February 20, 2024 the BOARD OF TRUSTEES of Morgan County, Utah (“the “**Approving Entity**”), adopted a resolution authorizing the creation of the District under the Act and approved a governing document for the District (the “**Governing Document**”). Subject to any mandatory restrictions stated in the Governing Document, the District has all powers granted in the Act and any other implied powers necessary to carry out the objectives and purposes of the District. The District was established to provide financing for public infrastructure improvements (the “**Public Improvements**”) to facilitate development within the and without the boundaries of the District.

Article II Board of Trustees

The Board oversees the management, affairs, property, and interests of the District.

- A. Composition. The Board is composed of three (3) trustees. The trustees of the Board are initially appointed by the Approving Entity. The Board may transition to an elected Board as set forth in the Governing Document.
- B. Quorum. When the Board is composed of five (5) trustees, the presence of three (3) trustees is necessary for a quorum. When the Board is composed of three (3) trustees, the presence of two (2) trustees of the Board is necessary for a quorum. An action by the majority of a quorum constitutes the action of the Board.
- C. Vacancies. When a vacancy occurs on the Board, the vacancy is filled in accordance with the procedures stated in the Governing Document and the Act, as may be amended from time to time.
- D. Qualifications. Qualifications for trustees are as stated under the Act.

Article III Duties of Trustees

The Board provides oversight for District functions, including those of parties under contract with the District.

Article IV Board Officers and Duties

The Board will elect a Chair, a Treasurer/Vice-Chair, at least one Clerk/Secretary, and a Records Clerk/Recording Secretary. The offices of Chair, Clerk, and Treasurer may not be held by the same person. A Clerk/Secretary and the Records Clerk/Recording Secretary do not need to be a trustee of the Board.

The Board may also engage, under separate written agreements, the following independent professionals: accountant; auditor; engineer; legal counsel; manager; municipal advisor; or other professionals the Board deems appropriate from time to time to carry out the purposes of the District. The roles of some of these professionals are further defined below. Each professional will serve as an independent contractor of the District and shall perform the duties set forth in these Bylaws, in its engagement agreement, and as directed by the Board. No professional or officer may obligate or expend District funds except as specifically authorized by Board action.

- A. Chair Duties. The Chair presides over all meetings of the Board and ensures compliance with the Open and Public Meetings Act (see Utah Code [Section 52-4-101](#), *et seq.*). The Chair has the authority to execute all resolutions, contracts, and other instruments approved by the Board. The Chair shall sign requisitions or other payment instructions to the trustee only after the Board has adopted a resolution confirming the amount to be paid and the accountant has certified the amount payable. The Chair shall also be considered the Chief Administrative Officer (“CAO”) of the District under applicable regulatory law. The Chair shall not personally issue or sign checks from District accounts.
- B. Treasurer/Vice Chair (Chief Financial Officer) Duties. The Treasurer/Vice Chair performs the functional duties of the Chief Financial Officer (“CFO”) of the District pursuant to Utah Code § 17B-1-635, and shall be the custodian of all District funds, deposits, and investments in compliance with Utah Code Section [17B-1-633](#) and the State Money Management Act (see Utah Code [Section 51-7-1](#), *et seq.*). The Treasurer/Vice Chair reviews and approves financial statements including bank and investment reconciliations prepared by the accountant, and co-signs requisitions to the trustee together with the Chair when required by the applicable bond documents or fiscal agency agreement. The Treasurer/Vice Chair shall deposit all District money in one or more qualified depositories in the name of the District and maintain segregated accounts as required by law, bond documents, or Board direction. The Treasurer/Vice Chair shall disburse funds only upon written order or resolution of the Board, including requisitions to a bond trustee under any Indenture, Infrastructure Acquisition and Reimbursement Agreement, or similar instrument.

The Treasurer/Vice Chair may delegate day-to-day bookkeeping to the accountant but shall retain overall financial oversight and fiduciary responsibility. Additionally, the Treasurer/Vice Chair shall preside at any meeting of the Board in the absence of the Chair. The Trustee who serves as Treasurer generally also serves as Vice-Chair, but this is not required.

- C. District Clerk/Secretary Duties. The Clerk/Secretary attends meetings and keeps a record of the proceedings. The Clerk serves as the custodian of the District's seal and attests all documents executed by the Chair. The Clerk/Secretary may sign any documents, including all bond financing documents, as "clerk" or "secretary" of the District; however, the Clerk may not sign a single signature check. The Clerk/Secretary may delegate day to day record management duties to the Records Clerk/Recording Secretary but shall retain overall recording oversight and record keeping responsibility to ensure minutes and adopted resolutions are archived in the official record book. All delegated duties shall remain subject to the Treasurer's oversight and to review by the Board. The District Clerk/Secretary does not need to be a trustee of the Board.
- D. Records Clerk/Recording Secretary Duties: The Records Clerk/Recording Secretary transcribes minutes of all regular and emergency meetings in accordance with [Utah Code Section 52-4-203\(2\)](#). Pursuant to [Utah Code Section 52-4-203\(4\)\(e\)\(i\)](#), the Board directs the Recording Clerk/Recording Secretary to make pending minutes available to the public within 30 days after holding the open meeting. Pursuant to [Utah Code Section 52-4-203\(e\)\(ii\)](#), the Board directs the Recording Secretary to post the approved minutes and any public materials distributed at the meeting in accordance with [Utah Code Section 52-4-203\(e\)\(ii\)](#). The Records Clerk/ Recording Secretary accepts and manages records, as that term is defined under the Government Records Access and Management Act (see Utah Code [Section 63G-2-103](#), *et seq.*).
- E. District Accountant Duties: The District's Accountant, an independent licensed certified public accounting professional or firm engaged by the Board, shall provide financial management, bookkeeping, and compliance support under the direction of the CFO. The Accountant shall: maintain the District's general ledger and subsidiary accounts in accordance with Generally Accepted Accounting Principals ("GAAP"); prepare monthly and quarterly financial statements, budget-to-actual reports, and reconciliations of all bank, trustee, and investment accounts; review vendor and developer invoices for completeness and eligibility and issue certifications as required under any developer reimbursement agreement; upon adoption of a resolution by the Board authorizing payment, prepare and submit the requisition to the trustee for payment of approved costs, attaching all required certification(s) and Board authorization(s); coordinate with the trustee and Treasurer/Vice Chair to verify fund balances and track project and debt-service accounts, as applicable; assist in preparing the annual budget, audits or compilations, and filings required by the State Auditor and Lieutenant Governor; and implement internal controls consistent with the Utah State Auditor's Fraud Risk Assessment Guide.

1. The District encourages its accountant to participate in continuing professional education related to governmental accounting, auditing standards, and Utah local government compliance. The accountant shall complete at least the minimum number of continuing professional education hours required for a Utah-licensed CPA (currently 80 hours per two-year renewal cycle), of which at least one hour must cover Utah laws & rules and at least three hours must be in ethics. Documentation of such education shall be maintained by the accountant and made available to the Board or Audit Committee upon request.
- F. District Engineer. The District's engineer, a licensed professional engineering firm engaged by the Board, shall: provide design review, cost verification, and technical recommendations for Public Improvements; prepare and issue certifications as required under any developer reimbursement agreement; coordinate with the accountant to ensure consistency between engineering and accounting records; and maintain record drawings and other engineering files for the District. The engineer acts solely as an independent contractor and shall not obligate District funds.
- G. District Legal Counsel. The District's legal counsel, a licensed law firm engaged by the Board, shall: advise the Board on statutory compliance, contracts, open meetings, public records, and ethics; draft and review resolutions, bylaws, agreements, and financing documents; attend Board meetings and provide legal opinions as requested; serve as Records Custodian for legal files when designated by the Board; and serve as the Recording Clerk/Recording Secretary when designated by the Board. Legal counsel shall not sign checks or authorize financial transactions.
- H. District Municipal Advisor. Pursuant to Utah Code [Section 17D-4-102\(12\)](#), the District's municipal advisor shall: advise the District on matters related to the issuance of bonds, including the pricing, sales, and marketing of bonds and the procuring of bond ratings, credit enhancement, and insurance with respect to bonds. The District's municipal advisor shall be qualified to give the advice outline above; shall not be an officer or employee of the District; has not been engaged to provide underwriting services in connection with a transaction in which the municipal advisor will provide advice to the District; and has experience doing business related to the issuance of bonds in Utah. The Municipal Advisor shall not act as Treasurer, Accountant, or custodian of funds.
- I. Custody of Funds. Pursuant to [Utah Code Section 17B-1-633\(2\)](#), the Treasurer/Vice Chair is the statutory custodian of all District funds. All District monies, whether bond proceeds, assessments, or tax revenues, shall be maintained in accounts held either by: (a) the trustee, which shall serve as fiduciary custodian of all bond proceeds, investment accounts, and related reserves; or (b) qualified public depositories authorized under the Utah Money Management Act for operating or administrative accounts maintained by the District. The District's accountant shall maintain and reconcile all financial records and operating

accounts on behalf of the District, and the Treasurer/Vice Chair shall review and approve all bank and trustee reconciliations and certify compliance to the Board.

Article V Meetings

- A. Regular Meetings. Pursuant to Utah Code Section 52-4-202(2)(a), Regular Meetings. Pursuant to Utah Code Section 52-4-202(2)(a), the Board hereby determines to hold regular meetings as specified in the District's Annual Administrative Resolution. For this District, regular meetings are tentatively scheduled for the third week of January, April, July, October, and November at a time that will be specified in the future, unless otherwise provided in the Annual Administrative Resolution or by subsequent Board action. All notices of meetings shall designate whether such meeting will be held by electronic means, at an anchor location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.
- B. Special Meetings. Special meetings may be called by the Chair. At the request of any two Trustees, the Chair must call a special meeting. The Chair or other authorized person on the Chair's behalf shall email, mail, fax or otherwise deliver written notice of special meetings to the Trustees at least twenty-four hours before the date of each special meeting. Notice to the public of all special meetings will be made pursuant to the Utah Open and Public Meetings Act. Most meetings of the Board are anticipated to be special meetings.
- C. Emergency Meetings. In the event of an unforeseen emergency, the Board may call an emergency meeting pursuant to Utah Code Section 52-4-202(5) provided that an attempt has been made to notify all the members of the Board and a majority of the Board approves the meeting.
- D. Closed Meetings. The Board may determine to hold a closed meeting in compliance with Utah Code Section 52-4-204, and in accordance with Utah Code Section 52-4-205. Any minutes or recordings of a closed meeting shall be prepared and retained in accordance with the requirements of Utah Code Section 52-4-206.
- E. Meetings by Telephone or Video Conferencing. Members of the Board may participate in a meeting of the Board by means of conference telephone, video conferencing, or similar communications equipment, consistent with the electronic meetings policy of the District adopted by the Board.
- F. Voting. Each Trustee shall have one vote. No business requiring a vote may be conducted without a quorum. A tie vote constitutes failure to pass a measure.

Article VI Compensation

Trustees serve without compensation. The Board, however, may in its discretion pay reasonable expenses for the members of the Board when transacting business on behalf of, and authorized by, the Board.

Article VII Parliamentary Procedure

The Board is obligated under [Utah Code Sections 17D-4-103\(1\)\(b\)](#) and [17B-1-310\(3\)\(b\)](#) to adopt rules of order and procedure and has done so pursuant to a Resolution Adopting Rules of Order and Procedure. The Board will follow the procedures set forth in the Resolution for the conduct of meetings.

Article VIII Place of Meetings

Meetings of the Board may be held at WBA PC, 350 E 400 S Ste 2301, Salt Lake City, UT 84043, or at another location as stated otherwise on an agenda at least twenty-four hours in advance.

Article IX Order of Business

The Board will conduct meetings pursuant to the published agenda of each meeting but may change its order of business or consider matters out of order at the direction or with the consent of the Chair or by vote of a majority of the Board present. Matters scheduled for action may be tabled or continued by vote of the Board. If no action is taken on a matter scheduled for action, it may be placed back on a future meeting agenda for additional consideration or a final vote.

Article X Protection of Trustees

- A. Defense of Trustees. The District will defend an action brought against a Trustee only under the terms and conditions stated in the Governmental Immunity Act of Utah (See [Section 63G-7-101](#), *et seq.*).
- B. Insurance. The District shall have the power to purchase and maintain insurance on behalf of any person who is or was a trustee, officer or employee of the District; against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of the status as such, whether or not the District would have power by applicable law to indemnify him/her against such liability. The District may also purchase and maintain insurance, in such amounts as the Board may deem appropriate, to insure the District against any liability for the indemnifications provided by this Article.

Article XI Administration

The Board may appoint a manager, including a management company that offers district management services, or may engage the services of professional advisers who may assist in the management and administration of the District. Any manager or professional adviser so retained shall have all necessary authority and responsibility for the administration of the District in all its

activities, subject only to such policies as may be issued by the Board or any of its committees to which it has delegated the power for such action. The District manager shall act as the duly authorized representative of the Board in all matters in which the Board has not formally designated someone else to so act.

Article XII

Conflict of Interest Policy

- A. Policy statement. It is the policy of the Board to require trustees to disclose potential conflicts of interest that may arise as a result of their duties as trustees and their personal financial interests and act accordingly with respect to votes on matters implicating such conflicts.
- B. Overview.
 - 1. The trustees commit themselves to ethical and appropriate use of their authority to ensure and maintain public confidence in the District.
 - 2. The trustees must place the interests of the District over their own personal financial interests.
- C. Disclosure.
 - 1. Every trustee must disclose actual or potential conflicts of interest arising as a result of their duties as trustees and their personal financial interests.
 - 2. When there is a conflict of interest, the trustee shall publicly declare the nature of the conflict.
 - 3. A trustee who complies with this Conflict of Interest Policy may, using the trustee's discretion, vote on the matter which is the subject of the actual or potential conflict of interest, abstain from voting or participating in the discussion, or leave the meeting during the discussion and/or voting.
 - 5. Disclosures must be made:
 - a. When a trustee first becomes a trustee.
 - b. Whenever the trustee's position in the potential conflict entity changes significantly or the value of their interest in the entity is significantly increased.
 - c. Whenever the District is considering taking action that implicates or affects the entity in which the trustee has a position or interest.

Article XIII

Ethical Behavior Policy

- A. Policy Statement. This Ethical Behavior Policy is intended to serve as a guide for trustees in decision-making situations to provide for the highest-level results for the District.
- B. Code of Ethics.

1. The trustees will comply with and annually review the District's Conflict of Interest policy, and Code of Ethics Policy.
2. The Board will follow all laws and regulations related to the ethics of public officers and employees, open meetings and whistleblower protection.
3. Trustees should direct any complaint and/or issue directly to the Chair for inclusion on the Board agenda for the full Board's consideration.
4. Trustees should forward District business items to the Chair for inclusion on the Board agenda. The intent is to provide for public notification and to allow time for research and consider the topic.
5. The Board recognizes it operates as a unit and that individual trustees' authority exists only as a member of the whole Board.
6. The Board acknowledges that conflicts of interest may occasionally arise and that each trustee is responsible for declaring such actual or potential conflicts as specified by Utah law or Board policy.
7. The Board will comply with the Utah Public Officers' and Employees' Ethics Act (see [Utah Code Section 67-16-1](#), *et seq.*) and ensure individual accountability, including consequences for noncompliance.
8. Trustees will not ask for or receive, directly or indirectly, any compensation, gifts, gratuity, or thing of value, or promise for or for omitting or deferring the performance of any official duty.
9. Trustees will not disclose or use any privileged or proprietary information that was gained by their official Board position.
10. Trustees will follow the Nepotism statute (Utah Code 52-3) which prohibits employment of relatives, with those exceptions listed in Code 52-3-1(2-3).
11. Trustees will follow the Misuse of Public Resources or Property statute (Utah Code 76-8-4) which delineates the unlawful use of public funds and destruction of property, including records.

Article XIV **Procurement Policy**

- A. The Utah Procurement Code, Title 63G, Chapter 6a, Utah Code Annotated 1953 (the “**Utah Procurement Code**”) has four main purposes: (1) to ensure transparency in the public procurement process; (2) to ensure the fair and equitable treatment of all persons who participate in the public procurement process; (3) to provide increased economy in state procurement activities; and (4) to foster effective broad-based competition within the free enterprise system.
- B. The District is a “Procurement Unit” subject to the Utah Procurement Code as defined in [Utah Code Section 63G-6a-103\(58\)](#).

- C. The Board is empowered to hire professional service providers necessary for the administration and operation of the District, pursuant to Utah Code Sections 17B-1-103 and 17B-1-301 and Utah Code Sections 17D-4-103 and 17D-4-203.
- D. The hiring of professional service providers, including but not limited to legal counsel, bond counsel, financial advisors, and other specialized consultants, is an administrative function authorized under the general powers of the District and does not constitute a procurement subject to the Utah Procurement Code.
- E. Pursuant to [Utah Code Section 63G-6a-107.6\(1\)\(a\)](#), the Utah Procurement Code does not apply to a public entity's acquisition of a procurement item from another public entity.
- F. Pursuant to [Utah Code Section 63G-6a-107.6\(2\)](#), the Utah Procurement Code, unless otherwise specifically stated, does not apply to the acquisition or disposal of real property or an interest in real property.
- G. Pursuant to [Utah Code Section 63G-6a-107.7\(1\)\(a\)](#), the rulemaking authority for a procurement unit shall make rules relating to the management and control of procurements and procurement procedures by the procurement unit.
- H. Pursuant to [Utah Code Section 17B-1-618](#), all purchases or encumbrances by a special district shall be made or incurred according the purchasing procedures established for each district by the district's rule making authority, as that term is defined in [Utah Code Section 63G-6a-103](#), and only on an order of approval of the person or persons duly authorized.
- I. Pursuant to [Utah Code Section 63G-6a-707](#), and to the extent applicable, the District shall establish an Evaluation Committee for the purpose of reviewing and evaluating proposals submitted in response to a Request for Proposals ("RFP"), ensuring that all evaluations are conducted fairly, transparently, and in strict compliance with the evaluation criteria set forth in the RFP.
- J. To the extent applicable, the Evaluation Committee shall be responsible for scoring proposals based solely on the stated criteria in the RFP, ensuring that no additional or unlisted criteria influence the selection process, and providing a written statement to the Board documenting the selection recommendation, the awarded scores, and the rationale for the best-value determination, except in cases where the award is made to a Construction Manager/General Contractor based solely on qualifications and the proposed management fee.
- K. Pursuant to [Utah Code Section 63G-6a-103\(57\)](#), and to the extent applicable, the District shall designate a "**Procurement Official**", defined as the individual responsible for overseeing and managing procurement processes to ensure compliance with the Utah Procurement Code.
- L. The Procurement Official shall be responsible for administering procurement activities in accordance with applicable laws, ensuring transparency, efficiency, and adherence to established procurement procedures.
- M. The Procurement Official shall coordinate with the Evaluation Committee, oversee contract compliance, and ensure that all procurement activities align with the District's rules, policies, and best practices in public procurement.

Article XV

Travel Policy

- A. All travel by trustees, officers, or consultants on behalf of the District shall be pre-approved in writing by the Chair or by Board action. Reimbursable expenses are limited to reasonable

costs for transportation, lodging, meals, and registration directly related to District business. Claims for reimbursement shall be supported by original itemized receipts and submitted within thirty (30) days after completion of travel. The District shall not reimburse alcohol, entertainment, or companion expenses. Reimbursements shall be reviewed by the District's accountant and approved by the Treasurer/Vice-Chair before payment to ensure compliance with this policy.

- B. All travel expenses while conducting District business outside of fifty (50) miles from the anchor location may be paid by the District upon request of the traveling trustee. Travel-related expenses include:
 - 1. Costs to travel to and from the business destination.
 - 2. Transportation costs while traveling to conduct District business.
 - 3. Lodging, meals and incidental expenses.
- C. Pre-approval. All travel is required to be approved by the CAO prior to traveling and incurring travel-related expenses.
- D. Documentation. After any travel expenses have been incurred, a Travel Reimbursement Form will be submitted outlining the reason for the trip and the specific travel expenses. The Travel Reimbursement Form must be signed by the individual who traveled and the CAO.
- E. Transportation.
 - 1. The District will generally purchase only coach-class tickets aboard a regularly scheduled commercial carrier for both domestic and international flights. Non-stop flights, while at times, more expensive, may be justified if alternative flights impose other costs than airfare, or require such circuitous routing that it is inconvenient for the individual. Individuals may retain for personal use promotional items, including frequent flyer miles, received during the course of a business trip if such items are obtained under the same conditions as those offered to the general public at no additional cost to the District.
 - 2. The District owns no vehicles that may be used for business travel purposes. Personal vehicle use is allowed for the District's business purposes and will be reimbursed for mileage in accordance with currently authorized IRS rate.
 - 3. Alternative travel arrangements may be structured for travel and lodging to reduce costs or accommodate personal preferences if the alternatives provide cost savings or if the individual pays for the increased costs.
 - 4. Rental cars may be obtained with prior approval from the CAO. Individuals traveling in a group to the same location for business are strongly encouraged to share rental vehicles where practical. Rental car agency liability and collision/loss damage coverage is required to be obtained at the District's expense.
- F. Lodging. Travel that requires an overnight stay must be pre-approved by the CAO. The accommodations selected should be modestly priced for the city and state traveling to, but if the individual is attending a convention they may book a room at the hotel where a

conference is being held, in order to reduce other travel related costs or booking a room at a higher priced hotel due to a legitimate safety concern based upon location.

G. Travel-related meals.

1. Travel-related meals will be paid for meals (including tax, tips and other meal related expenses) at the current State of Utah per diem rate. Per diem may be paid to individuals prior to leaving for their travel.
2. Individuals can use their personal credit card to pay for approved travel related meals. Individuals need to retain all receipts related to the purchases and submit them with a Travel Reimbursement Form.

H. Incidental expenses: Incidental expenses are not considered part of the meal per diem reimbursement and must be documented on the Travel Reimbursement Form. Incidental expenses include: ground transportation, parking and related tips, fax, telephone, internet, copy charges and other business related expenses.

I. Personal expenses: Personal expenses such as entertainment or alcohol are the responsibility of the individual and not reimbursable by the District.

J. If an individual receives per diem prior to traveling and does not travel on that trip, then the individual will return those funds to the District.

Article XVI

Miscellaneous Financial and Security Policies

A. Cash Receipting and Deposit Policy. As outlined in the [Utah State Auditor's Cash Receipting and Deposit Policy Template Guide](#), "policies and procedures need to be adapted to the individual needs of entities in varying sizes and locations. Small organizations that do not have enough employees to segregate duties, compensating controls should be considered, such as having a member of the Board review transactions and trace them back to the source." The District is a small organization, does not have employees, and does not receive cash or credit card transactions. The Treasurer or accountant will receive all checks made payable to the District and deposit them in the District's operating account. The Board of Trustees will update this policy in the event that the District needs to receive cash or credit card transactions.

B. Credit Card Policies and Procedures. It is the policy of the District not to issue or obtain any credit cards for any individuals related to the District's operations. If and when the District decides to obtain or issue a credit card to any individual(s) then the Board of Trustees shall first be required to adopt policies and procedures governing the issuance and use of credit cards.

C. Personal Use of District Assets. The District was established to provide financing for the Public Improvements to facilitate development within the and without the boundaries of the District. The District has no employees and all services are provided to the District by independent contracted parties. It is therefore not anticipated that any personal use of District assets will be possible or likely. In any event, the District's policy on use of District assets is that any personal use of District assets is prohibited.

- D. IT and Computer Security Policy. The District is a small organization and does not have any District employees, computers, network, email, and information technology (“IT”). In the event that the District were to hire employees and obtain computers or electronic devices for those employees, the Board would first be required to adopt a policy addressing computers, network, email, and IT use by those employees.
- E. Audit Committee. The Board hereby establishes an Audit Committee composed of Trustees appointed annually by the Chair with the advice and consent of the Board. The Audit Committee shall assist the Board in fulfilling its financial oversight responsibilities by reviewing the District’s financial statements, annual audit or compilation, and internal controls; meeting at least once per year with the District Accountant and independent auditor; and reporting its findings and recommendations to the Board. Members of the Audit Committee may not include the Chair or Treasurer/Vice-Chair and shall serve until reappointed or replaced by subsequent Board action.

Article XVII

Reporting Fraud or Abuse; Fraud Risk Hotline

- A. Improper Governmental Action. “**Improper Governmental Action**” is any action by a public entity’s Trustee or employee as follows:
1. Action done while in their official duties, whether or not the action is within the scope of their Board responsibilities or employment; and
 2. That is in violation of any federal, state or local law, and is: an abuse of authority; of substantial and specific danger to the public health or safety; or a gross waste of public funds.
- B. Reporting Fraud or Abuse.
1. Contractors who become aware of Improper Governmental Actions should raise the issue with a Trustee. Trustees who become aware of Improper Governmental Actions should raise the issue with the CAO. In the event a trustee is involved, the issue should be taken up with the entire Board.
 2. The CAO, trustee or Board will promptly take action to investigate the report. The District will keep the identity of the reporting person confidential to the extent possible under the law, unless that person authorizes in writing the disclosure of their identity. After an investigation has been completed, the person that reported the possible Improper Governmental Action will be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- C. Complaints, Investigations, Review, and Enforcement.
1. Any trustee or employee may file a complaint alleging a violation of the policy.
 2. The complaint will be in writing and signed by the complainant. The written complaint should list the nature of the alleged violation(s), date(s), time and place of each occurrence, and the name of the person(s) accused with the violation(s). The complaint will be filed with the CAO. The CAO will provide a copy of the complaint to the

- person(s) alleged of the violation. The reporting person shall provide the CAO with all the available documentation or other evidence to show a reason for believing that a violation has taken place.
3. This policy is intended to weigh the rights of the person(s) alleging the fraud or abuse with those who are accused of the fraud and abuse. Anonymous complaints have the potential to subject the person(s) accused of the fraud or abuse to stress and embarrassment and potentially result in discipline and possible termination. The District is very reluctant to begin any investigation based upon an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility.
 4. The District shall maintain a process for receiving reports of suspected fraud, waste, or abuse, including the ability for individuals to submit concerns anonymously by email, telephone, or written correspondence. All such reports, whether anonymous or identified, shall be forwarded to the CAO and to the Audit Committee for initial screening. The Audit Committee shall determine whether further investigation is warranted, may request assistance from the District's accountant, legal counsel, or other independent professionals, and shall report the results of any investigation and recommended corrective actions to the full Board in a timely manner. The identity of any individual making a report shall be protected to the extent permitted by law, and retaliation against a reporting individual is strictly prohibited.
 5. The District reserves the right to decline to investigate any complaint that is made anonymously.

D. Fraud Risk Hotline Policy Statement.

1. By their very nature and makeup the District has no employees and outsources is legal, financial and administrative functions. Even as the Districts grows it remains a small administrative entity and might only have a few employees, if any. The following policy is intended to bring accountability for the Board and its contracted service providers now and any potential employees in the future.
 2. The District hotline provides the ability for citizens, including public employees and contractors, to report fraud risks to the District including, but not limited to, the following:
 - a. Waste or misuse of public funds, property, or manpower;
 - b. Violations of a law, rule, or regulation applicable to the government;
 - c. Gross mismanagement;
 - d. Abuse of authority; and
 - e. Unethical conduct.
- E. **Filing a Complaint.** Complaints should be submitted in writing and provide any evidence that supports the complaint to the CAO. If the alleged complaint deals with the CAO, then the complaint should be submitted to another member of the Board and then brought to the full Board for consideration. Submitted information should include specifics as to 'who,

what, where, when’ as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. Due to limited resources the District is unable to accept complaints that are not supported by evidence or provide a means for us to investigate the problem further.

F. Hotline Information. A complainant may contact a trustee at the contact information provided publicly for trustees on the Utah Public Notice website, <https://utah.gov/pmn>.

G. Review of Complaint.

1. After receiving a complaint, a review of the allegation(s) and any evidence provided will be preformed. Potential factors to be reviewed include:
 - a. Does the complaint involve actions by a person subject to the District's authority?
 - b. Were improper governmental activities involved?
 - c. Can the allegation(s) be effectively investigated?
2. Disagreements with management decisions or actions taken by elected officials that are within the law will not be investigated. Overly broad or vague complaints or complaints where evidence is unavailable may be declined.
3. This policy is intended to weigh the rights of the person(s) alleging the fraud or abuse with those who are accused of the fraud and abuse. Anonymous complaints have the potential to subject the person(s) accused of the fraud or abuse to stress and embarrassment and potentially result in discipline and possible termination. The District is very reluctant to begin any investigation based upon an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant’s credibility.
4. The District reserves the right to decline to investigate any complaint that is made anonymously.

H. Whistleblower protection. [Utah Code Section 67-21-3](#) prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.

I. Confidentiality. The identity of the complainant is considered protected information under the Utah Government Records Access and Management Act (“GRAMA”) (See [Utah Code Section 63G-2-103](#), et seq.) and will be kept confidential if requested by the complainant. (See Utah Code Section 67-21-3). Whistleblower protections do not apply to anonymous complaints.

Article XVIII

General Provisions

- J. Calendar Year/Fiscal Year. The District will operate on a calendar year/fiscal year from January 1 to December 31 of each year.
- K. Account Books, Minutes and Records. The District will keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board and committees. All books and records of the District may be inspected by any trustee, for any proper purpose at any reasonable time.
- L. Conveyances and Encumbrances. Property of the District may be assigned, conveyed, transferred, or encumbered only as authorized by the Board pursuant to the Act.

Article XIX Amendments

These bylaws may be altered, amended, or repealed by a majority vote of the Board. New bylaws may be adopted by the Board at any regular or special meeting of the Board, called for such purpose. These bylaws will become effective at the time of their adoption by the Board of the District. Additional policies may be adopted by the Board without requiring amendment of these Bylaws.

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
ANNUAL ADMINISTRATIVE RESOLUTION
(2026)**

WHEREAS, the Peaks Public Infrastructure District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Utah, duly organized and existing pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 (the “**Utah Code**”) as amended from time to time and any successor statute thereto and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953; and

WHEREAS, the Board of Trustees of the District has a duty to perform certain obligations in order to assure the efficient operation of the District and hereby directs its members and consultants to take the following actions.

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

1. Annual Registration with Lieutenant Governor. The Board directs the District’s legal counsel to complete the required Local Government and Limited Purpose Entity Registration with the Lieutenant Governor’s Office no later than July 1st of each year following the issuance of a Certificate of Creation/Incorporation in accordance with [Utah Code Section 67-1a-15](#), and to notify the Lieutenant Governor’s Office of any changes to this information within 30 days of such changes.

2. District Contact Information. The Board directs the District’s legal counsel to post the name, phone number, and email address of each member of the Board to the Public Notice Website within 30 days of the trustee taking office and whenever the contact information changes, in accordance with [Utah Code Section 17B-1-303](#).

3. Annual Report. The Board directs the District’s legal counsel to file the annual report with Morgan County County Commissioners Office, Utah, as outlined in the District’s Governing Document and pursuant to [Utah Code Section 17D-4-205](#).

4. Trustee Training – Board Member. Pursuant to [Utah Code Section 17B-1-312](#) each member of the Board shall, within one year after taking office, complete training developed by the Office of the State Auditor in cooperation with the Utah Association of Special Districts, and provide certification thereof to the Recording Secretary. An online training course that fulfills this requirement is available at training.auditor.utah.gov.

5. Trustee Training – Open Meeting. Pursuant to [Utah Code Section 52-4-104](#), each Trustee shall, not more than once per year, complete the training provided by the State Auditor on the requirements of the Open and Public Meetings Act, and provide certification thereof to the Recording Secretary.

6. Trustee Training - GRAMA (Records Officer). Pursuant to [Utah Code Section 63G-2-108](#) the District Clerk/Secretary shall complete annually, an online training course in order

to receive the required certification in GRAMA. This training can be accessed online at archives.utah.gov/rim/certification.html.

7. Oaths. Each Trustee shall take an Oath of Office as specified in Article IV, Section 10 of the Utah Constitution, and as prescribed in [Utah Code Section 17B-1-303\(3\)\(a\)\(i\)](#). The Board directs the District’s legal counsel to file each Oath of Office with the office of the District Clerk/Secretary in accordance with [Utah Code Section 17B-1-303\(3\)\(b\)](#).

8. Trustee Bonds – Treasurer Required. Pursuant to [Utah Administrative Code Section R628-4-2\(A\)](#) and [Utah Code § 17B-1-301](#) the District Treasurer shall secure crime insurance coverage in the amount shown in [Utah Administrative Code Section R628-4-4](#).

9. Conflict of Interest Disclosure Statement – Annual Requirement. Pursuant to [Utah Code Section 67-16-7; 67-16-8 and 67-16-9](#) the Board hereby determines that each Trustee shall complete a Conflict of Interest Disclosure Statement and file their conflicts of interest disclosures with the Recording Secretary at the end of January of each year. Additionally, throughout the year, each Trustee shall provide the Recording Secretary with any revisions, additions, corrections, or deletions to said conflicts of interest disclosures.

10. Ethical Conduct Acknowledgment – Annual Requirement. Each Trustee shall annually sign an Ethical Conduct Acknowledgment confirming review of the District’s Ethical Behavior and Conflict of Interest Policies, and file their signed Acknowledgement with the Recording Secretary at the end of January of each year.

11. Officers. Pursuant to [Utah Code Section 17B-1-309](#) and [11-50-202](#) The Board hereby acknowledges the following officers for the District:

Chair:	Blair Gardener
Treasurer:	Pat Burns
Clerk:	Nate Reeve
Recording Secretary:	Legal Counsel
Records Officer:	Nate Reeve
Chief Administrator Officer	Blair Gardener
Chief Financial Officer	Pat Burns

12. Trustee Compensation. At the discretion of the Board, Trustees may receive compensation for their service, and/or per diem and travel expenses in accordance with [Utah Code Section 17B-1-307](#).

13. Infrastructure Acquisition and Reimbursement Agreement. The Board acknowledges its intent to enter into an Infrastructure Acquisition and Reimbursement Agreement (“IARA”) with the project developer to establish the procedures for review, certification, and reimbursement of District-eligible public infrastructure costs consistent with the Public

Infrastructure District Act and the District's Governing Document. The Board directs District Counsel, in coordination with the District Engineer and District Accountant, to prepare and negotiate the form of the IARA for future presentation to and approval by the Board.

14. Engagement of Consultants. The Board authorizes the Chair, in consultation with District Counsel, to execute professional services agreements with the District Engineer, District Accountant, and other consultants as necessary to assist in the preparation, review, and implementation of the anticipated Infrastructure Acquisition and Reimbursement Agreement and related cost-certification procedures.

Accountant. The Accountant engaged by the District, shall be an independent certified public accounting firm engaged under a professional services agreement. In addition to the services necessary to assist assist in the preparation, review, and implementation of the anticipated IARA and related cost-certification procedures, the accountant shall assist the District in the preparation and submission of an annual financial report to the State Auditor pursuant to Utah Code § 17B-1-606, and perform the duties set forth in the District Bylaws.

Engineer. The Engineer engaged by the District shall be a licensed professional engineer registered in the State of Utah and retained under a professional services agreement. The Engineer shall advise and assist the District in the planning, design, and inspection of Public Infrastructure anticipated to be financed or reimbursed by the District, and shall prepare or review Engineer's Cost Certifications, Design Engineer Certifications, and inspection reports as may be required in connection with any future IARA or other reimbursement arrangement entered into by the District. The Engineer shall perform the duties set forth in the District Bylaws and such additional functions as the Board may direct from time to time.**Notice of Meetings.** The Board directs that all public notices be provided no less than 24 hours in advance and prepared in accordance with [Utah Code Section 52-4-202](#).

15. Anchor Locations. Pursuant to [Utah Code Section 52-4-101](#), *et seq.* and 52-4-207, and the District's Resolution Adopting Written Procedures Governing Electronic Meetings, the Board determines to establish the following primary anchor location: 5160 S 1500 E, Riverdale, UT 84405. If an additional or alternative anchor location is to be used for a Board meeting, such location shall be identified in the public notice of the meeting in accordance with Utah Code Sections 52-4-201 and 52-4-207.

16. Electronic Meeting Policy. The District may convene and conduct electronic meetings pursuant to [Utah Code Section 52-4-207](#), and the District's Resolution Adopting Written Procedures Governing Electronic Meetings.

17. Regular Meeting Schedule. Pursuant to [Utah Code Section 52-4-202\(2\)\(a\)](#), the Board determines to hold regular meetings on the last Wednesday of January, April, July, October, and November 12, 2026 at 2:00 p.m. All notices of meetings shall designate whether such meeting will be held by electronic means, at an anchor location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.

18. Emergency Meeting. In the event of an unforeseen emergency, the Board may call an emergency meeting pursuant to [Utah Code Section 52-4-202\(5\)](#) provided that an attempt has been made to notify all the members of the Board and a majority of the Board approves the meeting.

19. Closed Meetings. The Board may determine to hold a closed meeting in compliance with [Utah Code Section 52-4-204](#), and in accordance with [Utah Code Section 52-4-205](#). Any minutes or recordings of a closed meeting shall be prepared and retained in accordance with the requirements of [Utah Code Section 52-4-206](#).

20. Written minutes of open meetings -- Public records -- Recording of meetings. The Board directs the Recording Secretary to transcribe minutes of all regular and emergency meetings in accordance with [Utah Code Section 52-4-203\(2\)](#). Pursuant to [Utah Code Section 52-4-203\(4\)\(e\)\(i\)](#), the Board directs the Recording Secretary to make pending minutes available to the public within 30 days after holding the open meeting. Pursuant to [Utah Code Section 52-4-203\(e\)\(ii\)](#), the Board directs the Recording Secretary to post the approved minutes and any public materials distributed at the meeting in accordance with [Utah Code Section 52-4-203\(e\)\(ii\)](#).

21. Electronic Recording of Meetings. Pursuant to [Utah Code Section 52-4-203\(7\)\(b\)](#), no electronic recording of any open meeting shall be made or kept so long as the annual budgeted expenditures for all the District's funds, excluding capital expenditures and debt service, are \$50,000 or less.

22. GRAMA. The Board hereby appoints the District's Recording Secretary/Records Officer as the official custodian for the maintenance, care, and keeping of all public records of the District, in accordance with the District's Resolution Adopting a Public Records Policy. The Board hereby directs its legal counsel, accountant, manager, and all other consultants to adhere to the District's Resolution Adopting a Public Records Policy.

23. Liability Insurance. Provided the District's annual budget is \$50,000 or more, the Board directs the District's legal counsel to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District's liability, in accordance with [Utah Code Section 17B-1-113\(1\)](#).

24. Tentative Budget/Budget Hearing. Pursuant to [Utah Code Section 17B-1-607](#), the Board directs the District's accountant to provide a tentative budget to the Board for review on or before the first regularly scheduled meeting in November, at which time, the Board shall adopt the tentative budget, establish the time and place of a public hearing to take public comment on the same, and order notice of said hearing be provided in accordance with the requirements of [Utah Code Section 17B-1-609](#).

25. Budget Hearing Posting Requirement. Following adoption of a tentative budget, and no less than seven days prior to the public hearing on the adoption of a final, the Board shall make available a copy of the tentative budget pursuant to [Utah Code Section 17B-1-608\(2\)\(b\)](#), the District shall publish the tentative budget as a class A notice under [Utah Code Section 63G-30-102](#) for at least seven days. Pursuant to [Utah Code Section 17-B-608\(3\)](#), the tentative budget

notice is exempt from the physical posting requirement described in [Utah Code Section 63G-30-102\(1\)\(c\)](#).

26. Final Budget. Following adoption of a final budget, the Board directs the District's accountant to file the Final Budget with the State Auditor within 30 days of adoption and post a copy of the Final Budget as required by [Utah Code Section 17B-1-614\(2\)](#).

27. Budget Amendment. Pursuant to [Utah Code Section 17B-1-622](#), the Board directs the District's accountant to monitor all expenditures and, if necessary, to notify the District's legal counsel and the Board when expenditures are expected to exceed budgeted amounts.

28. Audits. Pursuant to [Utah Code Section 17B-1-639](#) and within 180 days after the close of each fiscal year, the Board directs the District's accountant to prepare an annual financial report in conformity with generally accepted accounting principles as prescribed in the Uniform Accounting Manual for Special Districts.

29. Approval of Expenditures. Pursuant to [Utah Code Section 17B-1-642\(2\)](#), the Board authorizes the District's accountant to act as the financial officer of the District for the purposes of approving routine expenditures, such as utility bills, payroll-related expenses, supplies, and materials. The Board shall, at least quarterly, review all expenditures authorized by the District's accountant. Pursuant to [Utah Code Section 17B-1-642\(4\)](#), the Board hereby sets \$10,000 as the maximum sum over which all purchases may not be made without the Board's approval.

[Remainder of Page Intentionally Left Blank, Signature Page Follows]

ADOPTED DECEMBER 3, 2025.

DISTRICTS:

PEAKS PUBLIC INFRASTRUCTURE DISTRICT, a quasi-municipal corporation and political subdivision of the State of Utah

By: _____
Officer of the District

Attest:

By: _____

PEAKS PUBLIC INFRASTRUCTURE DISTRICT
2024 ANNUAL REPORT

Pursuant to Utah Code Section 17D-4-205 and the Governing Document for the Peaks Public Infrastructure District (the “**District**”), the District is required to provide an annual report to the County Commission with regard to the following matters:

For the year ending December 31, 2024, the Districts make the following report:

Governing Document Requirements

1. **Boundary changes made or proposed to the District’s boundary as of the last day of the prior fiscal year, if changed.**

There were no boundary changes made to the Districts’ boundaries in 2024.

2. **List of current interlocal agreements, if changed (to be delivered to the Creating Entity upon request).**

Interlocal Agreement Between Morgan County, Utah and Peaks Public Infrastructure District.
Attached as **Exhibit A**

3. **Names and terms of Board members and officers and progress towards milestones required for transition to elected Board.**

Blair Gardener	Term from March 18, 2024 to 6 years from appointment
Pat Burns	Term from March 18, 2024 to 4 years from appointment
Nate Reeve	Term from March 18, 2024 to 6 years from appointment

	Transition Threshold	Anticipated Units	Progress
Trustee 1	Upon issuance of 35 residential certificates of occupancy	70 single-family attached townhomes	To the best of the District’s knowledge, 0 residential certificates of occupancy have been issue as of December 31, 2024.
Trustee 2	Upon issuance of 53 residential certificates of occupancy	70 single-family attached townhomes	To the best of the District’s knowledge, 0 residential certificates of occupancy have been

			issue as of December 31, 2024.
Trustee 3	Upon issuance of 63 residential certificates of occupancy	70 single-family attached townhomes	To the best of the District's knowledge, 0 residential certificates of occupancy have been issue as of December 31, 2024.

4. District office contact information, if changed.

There were no changes to the District's office contact information.

5. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed.

There were no changes to the rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters.

6. A summary of any litigation which involves the District Public Improvements as of the last day of the prior fiscal year, if any.

To our actual knowledge, based on review of the court records in Morgan County, Utah and the Public Access to Court Electronic Records (PACER), there is no litigation involving the District's public improvements as of December 31, 2024.

7. Status of the District's construction of the Public Improvements as of December 31 of the prior year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the County as of the last day of the prior fiscal year.

To the best of the District's knowledge, the District has not constructed any Public Improvements as of December 31, 2024.

8. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances.

Total Debt Authorized	Total Debt Issued	Presently Planned Debt Issuances

\$4,000,000.00	\$2,900,000.00 Special Assessment Bonds, Series 2024 issued on December 18, 2024.	None.
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- A copy of the official statement for District No. 1 can be found here: <https://emma.msrb.org/IssueView/Details/P2433636>

9. Current year budget including a description of the Public Improvements to be constructed in such year.

A copy of the District's 2025 budget is attached hereto and incorporated herein by reference as **Exhibit B.**

10. Financial statements of the District for the most recent completed fiscal year (such statements shall be audited if required by bond documents or statute).

The District will provide the 2024 audited financial statements in a supplement to this annual report once the 2024 audited financial statements are available.

11. Notice of any uncured events of default by the District, which continue beyond a 90-day period, under any Debt instrument.

To our actual knowledge, the District did not receive notice of any uncured events of default by the District, which continued beyond a ninety (90) day period, under any debt instrument.

12. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a 90-day period.

To our actual knowledge, there was not any inability of the District to pay their obligations as they came due, in accordance with the terms of such obligations, which continued beyond a ninety (90) day period.

EXHIBIT A
Interlocal Agreement

**INTERLOCAL AGREEMENT BETWEEN
THE MORGAN COUNTY, UTAH
AND
PEAKS PUBLIC INFRASTRUCTURE DISTRICT**

THIS AGREEMENT is made and entered into as of this 20th day of February, 2024, by and between the MORGAN COUNTY, a political subdivision of the State of Utah ("County"), and PEAKS PUBLIC INFRASTRUCTURE DISTRICT, a political subdivision of the State of Utah (the "District"). The County and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide to exercise powers as are more specifically set forth in the District's Governing Document approved by the County on February 20, 2024 ("Governing Document"); and

WHEREAS, the Governing Document makes reference to the execution of an Interlocal Agreement between the County and the District; and

WHEREAS, the County and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Interlocal Agreement ("Agreement").

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the County or other appropriate public entity or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the County and applicable provisions of the County Code. With prior written consent from the County, the District shall be authorized, but not obligated, to own trails, street improvements (including roads, curbs, gutters, culverts, sidewalks, paving, lighting, grading, landscaping, and other street improvements), and all necessary equipment and appurtenances incident thereto. The County, by authorizing the District to own the aforementioned street improvements, deems the street improvements within the District as Public Improvements which may be owned by the District. Any Public Improvements owned by the District shall be operated, maintained, and paid for by a homeowner's association or other similar private entity for as long as the Bonds remain outstanding. The District may not impose the Maximum Mill Levy or Assessments for the payment of any operation and maintenance expenses.

2. Reserved.

3. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the County and of other governmental entities having proper jurisdiction, as applicable. The District will obtain the County's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

4. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.

We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

5. Annexation and Withdrawal Limitation.

(a) The District shall not include within any of their boundaries any property outside the District Area without the prior written consent of the County. By the Governing Document, the County has consented to the annexation of any area within the Annexation Area into or from the District Boundaries. Such area may only be annexed upon the District obtaining consent of all property owners and registered voters, if any, within the area proposed to be annexed and the passage of a resolution of the Board approving such annexation.

(b) The County, by approval of the Governing Document, has consented to the withdrawal of any area within the District Boundaries from the District. Such area may only be withdrawn upon the District obtaining consents of property owners and/or registered voters within the area proposed to be withdrawn as may be required by the PID Act and the passage of a resolution of the Board approving such withdrawal.

(c) Any annexation or withdrawal shall be in accordance with the requirements of the PID Act.

(d) Upon any annexation or withdrawal, the District shall provide the County a description of the revised District Boundaries

(e) Annexation or withdrawal of any area in accordance with Sections V.A.6(a) and (b) of the Governing Document shall not constitute an amendment of the Governing Document.

6. Overlap Limitation. Without the written consent of the County, the District shall not consent to the organization of any other public infrastructure district organized under the PID Act within the District Area which will overlap the boundaries of the District.

7. Initial Debt. On or before the effective date of approval by the County of an Approved Development Plan (as defined in the Governing Document), the District shall not: (a) issue any Debt; nor (b) impose and collect any Assessments used for the purpose of repayment of Debt.

8. Total Debt Issuance. The District shall not issue Assessment Debt in excess of Four Million Dollars (\$4,000,000.00). This amount excludes any portion of Bonds issued to refund a prior issuance of debt by the District and C-PACE Bonds issued by the District. Any C-PACE Debt does not count against the foregoing limitation.

9. Bankruptcy. All of the limitations contained in this Governing Document, including, but not limited to, those pertaining to the Maximum Mill Levy and Maximum Bond Term have been established under the authority of the County to approve a Governing Document with conditions pursuant to Section 17D-4-201(5), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Bond Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the County as part of a Governing Document Amendment.

10. Dissolution. Upon an independent determination of each District Board that the purposes for which such District was created have been accomplished, the District shall file petitions for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes and disbursed of all assets of such District.

11. Disclosure to Purchasers. Within thirty (30) days of the Office of the Lieutenant Governor of the State of Utah issuing a certificate of creation for the District, the Board shall record a notice with the recorder of Morgan County. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the County, (c) state that the District may finance and repay infrastructure and other improvements through the imposition of Assessments; and (d) state that the District is authorized to impose upon the taxable property within the District a Maximum Mill Levy of 0.001 per dollar

of taxable value of taxable property in the District for administrative purposes. Such notice shall further be filled with the County.

In addition, the Applicant and the Board shall ensure that the Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:

- (1) All of the information in the first paragraph of this Section 11;
- (2) Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents, shall include the contact information of the District's Chair or General Counsel, and shall require a signature of such end user acknowledging the foregoing.

12. Governing Document Amendment Requirement. Actions of the District which violate the limitations set forth in Sections V.A.1-10 or VIII.B-G of the Governing Document shall be deemed to be material modifications to the Governing Document and the County shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

13. Annual Report. The District shall be responsible for submitting an annual report to the County Commission no later than 210 days after the close of the District's fiscal year, commencing fiscal year 2024, containing the information set forth in Section IX of the Governing Document.

14. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.

15. Maximum Mill Levy. The Maximum Mill Levy shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District shall be 0.001 per dollar of taxable value of taxable property in the District; provided that such levy shall be subject to adjustment as provided in Section 17D-4-301(8), Utah Code. Such Maximum Mill Levy may be imposed by the District for reasonable and actual administrative costs incurred by the District but may not be imposed for the repayment of Debt or operation and maintenance expenses.

16. Maximum Bond Term. Each Bond issued by the District shall mature within thirty-one (31) years from the date of issuance of such Bond (the "Maximum Bond Term").

17. Governing Document Controls. In the event of any conflict between the terms of this Interlocal Agreement and the Governing Document, the Governing Document shall control.

18. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District: Peaks Public Infrastructure District
6468 Hwy 39 #84
Huntsville, Utah 84317
Attn: Blair Gardner
gardnerproperties@gmail.com
(801) 628-6363

To the County: Morgan County
P.O. Box 886
Morgan, UT 84050
Attn: Director Planning and Development
Phone: (801) 829-6811

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

19. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Governing Document.

20. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

21. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

22. Term. This Agreement shall terminate upon the earlier to occur of dissolution of the District or fifty (50) years from the date hereof.

23. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Utah.

24. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

25. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

26. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the County any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the County shall be for the sole and exclusive benefit of the District and the County.

27. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

28. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

29. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

30. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Governing Document.

[SIGNATURE PAGE TO INTERLOCAL AGREEMENT]

PEAKS PUBLIC INFRASTRUCTURE
DISTRICT

By: 
Utah Land Guys (Nov 7, 2024 09:43 MST)
Chair

Attest:

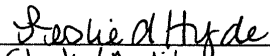
J. Nate Reeve
J. Nate Reeve (Nov 7, 2024 12:00 MST)
Secretary

APPROVED AS TO FORM:  

MORGAN COUNTY, UTAH

By: 
Chair

Attest:

By: 
Its: Clerk / Auditor

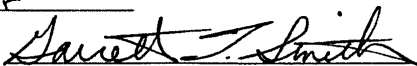
APPROVED AS TO FORM: 

EXHIBIT B
2025 Budget

RESOLUTION
OF THE BOARD OF TRUSTEES OF THE
PEAKS PUBLIC INFRASTRUCTURE DISTRICT
ADOPTING THE 2025 BUDGET

WHEREAS, the Peaks Public Infrastructure District (the “**District**”) is an independent political subdivision of the State of Utah, duly organized and existing pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953; and

WHEREAS, pursuant to [Utah Code Section 17B-1-607](#), the Board directed the District’s accountant to provide a tentative budget to the Board of Trustees (the “**Board**”) for review on or before the first regularly scheduled meeting in November; and

WHEREAS, at a meeting held on October 29, 2024, the Board adopted the tentative budget provided by the District’s accountant (the “**Tentative Budget**”) and established the time and place of a public hearing to take public comment on the same, and ordered notice of said hearing to be provided in accordance with the requirements of [Utah Code Section 17B-1-609](#); and

WHEREAS, following adoption of the Tentative Budget, and no less than seven days prior to the public hearing on the adoption of a final budget, the Board made available a copy of the Tentative Budget pursuant to [Utah Code Section 17B-1-608\(2\)\(b\)](#); and

WHEREAS, pursuant to [Utah Code Section 63G-30-102](#) the Board published the Tentative Budget as a Class A notice; and

WHEREAS, the Board desires to adopt this resolution setting forth the District’s final 2025 budget.

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

1. **Incorporation of Recitals.** The Recitals set forth in this Resolution are hereby incorporated.
2. **Adoption of Final Budget.** The Board hereby adopts the 2025 budget attached hereto as **Exhibit A** as the District’s final budget (the “**Final Budget**”).
3. **Direction Regarding Filing.** The Board directs the District’s accountant to file the Final Budget with the State Auditor within 30 days of adoption and post a copy of the Final Budget as required by [Utah Code Section 17B-1-614\(2\)](#).

ADOPTED THIS 6TH DAY NOVEMBER, 2024.

DISTRICT:

PEAKS PUBLIC INFRASTRUCTURE

DISTRICT, a body politic and corporate created
and validly existing under the laws of the State of
Utah

By: 
Utah Land Guys (Nov 7, 2024 09:43 MST)

Officer of the District

ATTEST:


By: J. Nate Reeve (Nov 7, 2024 12:00 MST)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

EXHIBIT A

Final Budget

PEAKS PUBLIC INFRASTRUCTURE DISTRICT
2025 BUDGET
SUMMARY OF SIGNIFICANT ASSUMPTIONS

Services Provided

The Peaks Public Infrastructure District (the “District”) was organized to plan, design, acquire, construct, install, relocate, redevelop and finance Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The District was not created to provide any ongoing operations and maintenance services. The District's service area is located in Morgan County, Utah.

The District was approved by the Commission of Morgan County, Utah on February 20, 2024, via Resolution CR-24-13. The resolution authorized and approved the District's governing document and interlocal agreement, approved the relative annexation area, and appointed the Board of Trustees. The District's Governing Document authorized assessment debt of \$4,000,000.

The District intends to receive developer advances to fund administrative expenditures until special assessment revenue is available to the District.

The District prepares its budget in accordance with the requirements of Utah Code 17B-1-702 using its best estimates as of the date of the budget approval. These estimates are based on expected conditions and courses of action. The assumptions disclosed herein are those that the District believes are significant to the budget. There will usually be differences between the budget and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material.

The District has no employees and all administrative functions are contractual.

Expenditures

Administrative and Operating Expenditures

Administrative expenditures have been provided based on estimates of the District's Board of Trustees, and consultants, and include the services necessary to maintain the District's administrative viability such as legal, accounting, and insurance expenses.

Debt and Leases

The District issued debt in 2024 to pay costs associated with public infrastructure.

Capital Outlay

The District anticipates using bond proceeds for infrastructure improvements.

Reserves

Debt Service Reserve

The District has provided for a Debt Service Reserve based on the requirements of their anticipated debt.

Peaks Public Infrastructure District
December 31, 2023 Actual
2024 Adopted & Projected with 2025 Tentative Budget
GENERAL FUND

	2023 Budget	2024 Adopted Budget	2024 Projected Budget	2025 Tentative Budget
Revenues				
Developer Advances	\$ -	\$ 9,500	\$ 16,000	\$ 32,500
Total Revenues	\$ -	\$ 9,500	\$ 16,000	\$ 32,500
Expenditures				
Accounting and Finance	\$ -	\$ 1,000	\$ 5,000	\$ 12,000
Insurance	-	3,500	3,500	3,500
Legal	-	5,000	5,000	12,000
Contingency	\$ -	-	2,500	5,000
Total Expenditures	\$ -	\$ 9,500	\$ 16,000	\$ 32,500
Revenues Over/(Under) Expenditures	\$ -	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -	\$ -
TOTAL EXPENDITURES REQUIRING APPROPRIATION		\$ 9,500	\$ 16,000	\$ 32,500

Peaks Public Infrastructure District
December 31, 2023 Actual
2024 Adopted & Projected with 2025 Tentative Budget
DEBT SERVICE FUND

	2023 Budget	2024 Adopted Budget	2024 Projected Budget	2025 Tentative Budget
Revenues				
Interest and Other Income	-	-	10,000	50,000
Total Revenues	\$ -	\$ -	\$ 10,000	\$ 50,000
Expenditures				
Interest on 2024 Bonds	\$ -	\$ -	\$ -	\$ 174,000
Contingency	-	-	10,000	50,000
Total Expenditures	\$ -	\$ -	\$ 10,000	\$ 224,000
Revenues Over/(Under) Expenditures	\$ -	\$ -	\$ -	\$ (174,000)
Other Sources/(Uses) of Funds:				
Bond Proceeds			\$ 2,900,000	\$ -
Cost of Issuance			(258,000)	-
Transfer to Capital Fund			(2,245,000)	-
Net Other Sources/(Uses) of Funds:	\$ -	\$ -	\$ 397,000	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ 397,000
Ending Fund Balance	\$ -	\$ -	\$ 397,000	\$ 223,000
Components of Ending Fund Balance				
Capitalized Interest	\$ -	\$ -	\$ 174,000	-
Debt Service Reserve	-	-	223,000	223,000
Ending Fund Balance	\$ -	\$ -	\$ 397,000	\$ 223,000
TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ -	\$ -	\$ 397,000	\$ 223,000

Peaks Public Infrastructure District
December 31, 2023 Actual
2024 Adopted & Projected with 2025 Tentative Budget
CAPITAL PROJECTS FUND

	2023 Budget	2024 Adopted Budget	2024 Projected Budget	2025 Tentative Budget
Revenues				
Interest and Other Income	-	-	10,000	50,000
Total Revenues	\$ -	\$ -	\$ 10,000	\$ 50,000
Expenditures				
Capital Outlay	\$ -	\$ -	\$ 2,245,000	\$ -
Contingency	-	-	10,000	50,000
Total Expenditures	\$ -	\$ -	\$ 2,255,000	\$ 50,000
Revenues over/(under) Expenditures	\$ -	\$ -	\$ (2,245,000)	\$ -
Other Sources/(Uses) of Funds:				
Transfer from Debt Service Fund	\$ -	\$ -	\$ 2,245,000	\$ -
Net Other Sources/(Uses) of Funds:	\$ -	\$ -	\$ 2,245,000	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -	\$ -

TOTAL EXPENDITURES REQUIRING APPROPRIATION		\$ -	\$ 2,255,000	\$ 50,000
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PEAKS PUBLIC INFRASTRUCTURE DISTRICT

FINANCIAL STATEMENTS

September 30, 2025

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
BALANCE SHEET**

	Unaudited Actual 12/31/2024	Unaudited Actual 9/30/2025
Assets		
Current Assets		
Cash - Admin Fund	\$ 88,800	\$ 42,864
Cash - Reserve Fund	215,805	221,474
Cash - Capital Interest Fund	297,310	235,558
Cash - Construction Fund	2,034,244	3,969
Cash - COI Fund	20,341	9,970
Cash - Assessment Fund	-	36,171
Total Current Assets	<u>\$ 2,656,500</u>	<u>\$ 550,006</u>
Long-Term Assets		
CIP	\$ -	\$ 2,042,366
Total Long-Term Assets	<u>\$ -</u>	<u>\$ 2,042,366</u>
Total Assets	<u>\$ 2,656,500</u>	<u>\$ 2,592,371</u>
Liabilities		
Long-Term Liabilities		
Bond Payable	\$ 2,900,000	\$ 2,900,000
Total Long-Term Debt	<u>\$ 2,900,000</u>	<u>\$ 2,900,000</u>
Total Liabilities	<u>\$ 2,900,000</u>	<u>\$ 2,900,000</u>
Fund Equity		
Net investment in Fixed Assets	\$ (2,900,000)	\$ (857,634)
Fund Balance		
Restricted	2,567,700	496,655
Unassigned	88,800	53,351
Total Fund Equity	<u>\$ (243,500)</u>	<u>\$ (307,629)</u>
Total Liabilities and Fund Equity	<u>\$ 2,656,500</u>	<u>\$ 2,592,371</u>
	=	=

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
GENERAL FUND**

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amended Budget
Revenues			
Interest and Other Income	\$ -	\$ -	\$ 3,500
Developer Advances	-	32,500	-
Total Revenues	\$ -	\$ 32,500	\$ 3,500
Expenditures			
Accounting and Finance	\$ -	\$ 12,000	\$ 13,000
Audit	-	-	10,000
Insurance	-	3,500	5,818
Legal	-	12,000	35,000
Contingency	-	5,000	-
Total Expenditures	\$ -	\$ 32,500	\$ 63,818
Other Sources/(Uses) of Funds:			
Transfer from Other Fund	\$ 88,800	\$ -	\$ -
Net Other Sources/(Uses) of Funds:	\$ 88,800	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 88,800	\$ -	\$ (60,318)
Beginning Fund Balance	\$ -	\$ -	\$ 88,800
Ending Fund Balance	\$ 88,800	\$ -	\$ 28,482
TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ -	\$ 32,500	\$ 63,818

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
DEBT SERVICE FUND**

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amended Budget
Revenues			
Interest and Other Income	\$ -	\$ 50,000	\$ 20,000
Assessment Fee	-	-	72,342
Total Revenues	\$ -	\$ 50,000	\$ 92,342
Expenditures			
Bond Interest	\$ -	\$ 174,000	\$ 146,000
Bond Principal	-	-	82,856
Trustee Fee	-	-	-
Contingency	-	50,000	50,000
Total Expenditures	\$ -	\$ 224,000	\$ 278,856
Other Sources/(Uses) of Funds:			
Transfer From Capital Fund	\$ 513,115	\$ -	\$ -
Net Other Sources/(Uses) of Funds:	\$ 513,115	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 513,115	\$ (174,000)	\$ (186,514)
Beginning Fund Balance	\$ -	\$ 397,000	\$ 513,115
Ending Fund Balance	\$ 513,115	\$ 223,000	\$ 326,601
Components of Ending Fund Balance			
Capitalized Interest	\$ -	\$ -	\$ 166,623
Debt Service Reserve	-	-	159,978
Ending Fund Balance	\$ -	\$ -	\$ 326,601
TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ -	\$ 224,000	\$ 278,856

**PEAKS PUBLIC INFRASTRUCTURE DISTRICT
CAPITAL PROJECTS FUND**

	Actual Through 12/31/2024	2025 Original Final Budget	2025 Tentative Amended Budget
Revenues			
Interest and Other Income	\$ -	\$ 50,000	\$ 17,500
Total Revenues	\$ -	\$ 50,000	\$ 17,500
Expenditures			
Capital Outlay	\$ -	\$ -	\$ 2,061,354
Engineering	-	-	-
Cost of issuance	243,500	-	10,731
Contingency	-	50,000	-
Total Expenditures	\$ 243,500	\$ 50,000	\$ 2,072,085
Other Sources/(Uses) of Funds:			
Bond Proceeds	\$ 2,900,000	\$ -	\$ -
Transfer to Debt Service Fund	(513,115)	-	-
Transfer to General Fund	(88,800)	-	-
Net Other Sources/(Uses) of Funds:	\$ 2,298,085	\$ -	\$ -
Revenues Over/(Under) Expenditures	\$ 2,054,585	\$ -	\$ (2,054,585)
Beginning Fund Balance	\$ -	\$ -	\$ 2,054,585
Ending Fund Balance	\$ 2,054,585	\$ -	\$ (0)
TOTAL EXPENDITURES REQUIRING APPROPRIATION	\$ 845,415	\$ 50,000	\$ 2,072,085