

RESOLUTION NO. _____

A RESOLUTION REPLACING AND SUPERCEDING A PREVIOUS
RESOLUTION DECLARING THAT THE PUBLIC HEALTH,
CONVENIENCE, AND NECESSITY REQUIRE THE CREATION OF A
SPECIAL SERVICE DISTRICT, DEFINING THE BOUNDARIES OF SAID
SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED
THEREIN, PROVIDING FOR A HEARING ON THE CREATION OF SAID
SPECIAL SERVICE DISTRICT, PROVIDING FOR NOTICE OF SAID
HEARING AND RELATED MATTERS.

WHEREAS, the Board of County Commissioners of Sanpete County, Utah believes that the public health convenience and necessity require the receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, only the funds from the Skyline Coal Mine are kept in the Federal Mineral Lease Special Service District all other Federal Lease monies are distributed to the Sanpete County Special Services District 1. The Funds in the Federal Mineral Lease Special Service District shall expend those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning and as means for mitigating impacts from extractive mineral industries within a specified area of the county and therefore it is desirable to incorporate said area into a special service district pursuant to the provision of the Utah Special Service District Act, Chapter 1, Title 17D Utah Code Annotated, 1953, as amended and Article XI, Section 7 of the Constitution of Utah; and

WHEREAS, all property included within the boundaries of said proposed Special Service District will be benefited by the creation thereof; and

WHEREAS, none of the area to be contained within the boundaries of said proposed Special Service District is also within the boundaries of any other special service district or local district established by said county to receive federal mineral lease fund under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impact from extractive mineral industries: namely, providing the following services (1) water; (2) sewerage; (3) drainage; (4) flood control; (5) health care; (6) transportation pursuant to Utah Code Annotated§ 17D-1-201(7); (7) providing, operating and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners; (8) street lighting; (9) animal shelter and control; control or abatement of earth movement or landslide; and (10) an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102 of the Utah Code and in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF SANPETE COUNTY, UTAH AS FOLLOWS:

1. The public health, convenience, and necessity require the creation within Sanpete County, Utah, of a Special Service District (the "District") pursuant to the provisions of the Utah Special Service District Act, Chapter 1, Title 170, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah.

2. The boundaries of the District are the boundaries set forth in the original resolution.

3. The District is to be created for the previous purpose of receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries; namely, providing the following services (1) water; (2) sewerage; (3) drainage; (4) flood control; (5) health care; (6) transportation pursuant to Utah Code Annotated § 17D-1-201(7); (7) providing, operating and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners; (8) street lighting; (9) animal shelter and control; control or abatement of earth movement or landslide; and (10) an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102 of the Utah Code and in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

4. The District as previously created shall continue to be known as the "Federal Mineral Lease Special Service District."

5. A public hearing on the question of enacting a clarifying resolution of the previously created District shall be held by the Board of County Commissioners at Manti, Utah, on February 17, 2026 at 2:00 pm at the Sanpete County Courthouse all interested parties may appear and be heard either in support of or in opposition to the changes to the existing District. In addition to the public hearing, anyone who wishes to protest this resolution or any of the proposed changes, please provide said protest to the Sanpete County Clerk in writing no later than 60 days after the public hearing. The protest must include why the person is protesting.

6. The District shall be administered by an Administrative Control Board which is hereby delegated the power to act as the governing authority of the District and to exercise, except as provided herein, any powers, rights or authority that the legislative body of Sanpete County possesses including those powers provided for in Utah Code Annotated § 17D-1-302(3.) The Administrative Control Board shall not have the power or authority to levy any tax on the taxable property within the district, call or hold an election for the authorization of property tax or issuance of bonds, levy an assessment, or issue interim warrants or bonds payable from an assessment.

7. Administrative Control Board members may be paid compensation (but are not required to be compensated) for services on the Board as determined by the Administrative Control Board, not to exceed \$5,000 per year. In addition, Board members may receive, as determined by the Board, per

diem compensation for attendance of up to 12 meetings or activities per year related to the District.

8. The Notice of Intention to be published shall be in substantially the following form: NOTICE OF INTENTION TO ENACT A NEW RESOLUTION REGARDING THE FEDERAL MINERAL LEASE SPECIAL SERVICE DISTRICT NOTICE IS HEREBY GIVEN THAT on February 17, 2026 at 2:00 pm at the Sanpete County Courthouse, the Board of County Commissioners of Sanpete County, Utah, adopted a Resolution adding clarifying language to a previous resolution declaring that the public health, convenience, and necessity require the establishment of a Special Service District, to be called the "Federal Mineral Lease Special Service District" (the "District") for the purpose of receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries namely, providing the following services (1) water; (2) sewerage; (3) drainage; (4) flood control; (5) health care; (6) transportation pursuant to Utah Code Annotated§ 17D-1-201(7); (7) providing, operating and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners; (8) street lighting; (9) animal shelter and control; control or abatement of earth movement or landslide; and (10) an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102 of the Utah Code and in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act. . The Resolution also provides for a public hearing on the establishment of the District in the County to be held at the Sanpete County Courthouse in Manti, Utah on February 17, 2026 at 2:00 pm at the Sanpete County Courthouse,

DESCRIPTION OF THE PROPOSED DISTRICT

The District shall have the same boundaries as the previous resolution with following boundaries: Same boundaries as Sanpete County except excluding the boundaries of all municipal incorporations located within Sanpete County.

PROPOSED SERVICES

The authorized purposes of the District are receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and main tenancy of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries namely , providing the following services (1) water; (2) sewerage; (3) drainage; (4) flood control; (5) health care; (6) transportation pursuant to Utah Code Annotated§ 17D-1-201(7); (7) providing, operating and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners; (8) street lighting; (9) animal shelter and control; control or abatement of earth movement or landslide; and (10) an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102 of the Utah Code and in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

The Board is required by law, in the former instance, to abandon the proposed establishment of the District and, in the latter instance, to eliminate the type of service objected to from the resolution finally establishing the District. A person may file an action in District Court challenging the revisions of the Special Service District or a service that the Special Service District is proposed to provide if the person files a written protest and said person is a registered voter within the Special Service District and alleges in the action that the procedures used to create the Special Service District violated applicable law or the person is an owner of property included within the boundary of the Special Service District and alleges in the action that the person's property will not be benefitted by a service that the Special Service District is proposed to provide or the procedures used to create the Special Service District violated applicable law and the action is filed within the statutory timeframes prescribed by law after the date that the legislative body adopted a resolution or ordinance creating the Special Service District. If an action is not filed within the time specified, a registered voter or an owner of property located within the Special Service District may not contest the creation of the Special Service District or a service that the Special Service District is proposed to provide.

APPROVED AND ADOPTED this _____, 2026.

By:

Scott Bartholomew , Commission Chair

ATTEST:

Linda Christiansen , Sanpete County Clerk

APPROVED AS TO FROM:

Kevin Daniels, Sanpete County Attorney

Voting:

Commissioner Bartholomew voting _____

Commissioner Bennett voting _____

Commissioner Cheney voting _____

**PUBLIC HEARING ON PROPOSED ESTABLISHMENT
OF SPECIAL SERVICE DISTRICT**

The Board of County Commissioners will hold a public hearing on the establishment of the District for the receiving of federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds to provide construction, and maintenance of public facilities, traditional governmental services, and planning, as a means for mitigating impacts from extractive mineral industries within the District; namely, providing the following services (1) water; (2) sewerage; (3) drainage; (4) flood control; (5) health care; (6) transportation pursuant to Utah Code Annotated§ 17D-1-201(7); (7) providing, operating and maintaining correctional and rehabilitative facilities and programs for municipal, state, and other detainees and prisoners; (8) street lighting; (9) animal shelter and control; control or abatement of earth movement or landslide; and (10) an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102 of the Utah Code and in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act. 17D-1-201(10) at the Sanpete County Courthouse, Manti, Utah on February 17, 2026 at 2:00 pm at the Sanpete County Courthouse. Any interested person may protest the establishment of the District or the services to be provided by the District and each protest shall be in writing, filed with the Sanpete County Clerk, and must be filed no later than sixty (60) days after the public hearing, and each protest shall explain why the person is protesting. A person, who submitted a written protest against the creation of the Special Service District may withdraw the protest, or having withdrawn a protest, may cancel the withdrawal until sixty (60) days after the public hearing. Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any fully authorized agent of the corporation. Where title to any property is held in the name of more than one person, owners representing a majority ownership interest in the parcel must join in the signing of the protest or if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel. The signature of a person signing a protest in a representative capacity on behalf of an owner is valid if the person's representative capacity and the name of the owner of the person represented or indicated on the protest with the person's signature and the person providing documentation accompanying the protest that reasonably substantiates the person's representative capacity. At said public hearing, the Board of County Commissioners will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board of County Commissioners may continue the hearing from time to time. After conclusion of the hearing, the Board of County Commissioners shall adopt a resolution either revising the established Federal Mineral Lease Special Service District or determine that the revisions of the established District should be abandoned, or may, in its discretion, reduce the boundaries of the District and establish the District by resolution, as modified.

If, within fifteen (15) days after the conclusion of the hearing, over thirty-three percent (33%) of the qualified voters of the territory proposed to be included within the District or the owners of over 33% of the taxable value of the taxable property included within the proposed District file written protest against the establishment of the proposed District or against the

business. The per diem amount shall be as established by the Utah Division of Finance for Special Service District Boards. Board members may also receive reimbursement for all actual and necessary expenses incurred in attending board meetings and in performance of member's official duties. All reimbursements must be authorized by the Board.