Toquerville, Utah

July 16, 2020

The City Council (the “Council”) of the Toquerville City, Utah (the “City”), met in regular session (including by electronic means) on Thursday July 16, 2020, at its regular meeting place in Toquerville, Utah at 6:00 p.m., with the following members of the Council being present:

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| --- | --- |
| Lynn Chamberlain | Mayor |
| Keen Ellsworth | Council Member |
| Gary Chaves | Council Member |
| Ty Bringhurst | Council Member |
| Chuck Williams | Council Member |
| Justin Sip | Council Member |

Also present:

|  |  |
| --- | --- |
| Ruth Evans | City Recorder |
|  |  |

Absent:

|  |  |
| --- | --- |
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After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this July 16, 2020, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Council Member \_\_\_\_\_\_\_\_\_\_ and seconded by Council Member \_\_\_\_\_\_\_\_\_\_ adopted by the following vote:

AYE:

NAY:

The resolution was later signed by the Chair and recorded by the City Recorder in the official records of the City. The resolution is as follows:

RESOLUTION \_\_\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL (THE “COUNCIL”) OF THE CITY OF TOQUERVILLE, UTAH (THE “CITY”), PROVIDING FOR THE CREATION OF PINE VIEW PUBLIC INFRASTRUCTURE DISTRICT NO. 5 (THE “DISTRICT”) AS AN INDEPENDENT LOCAL DISTRICT; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT AND INTERLOCAL AGREEMENT; APPROVING OF AN ANNEXATION AREA; APPOINTING A BOARD OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the “Petition”) was filed with the City requesting adoption by resolution the approval of the creation of six separate public infrastructure districts pursuant to the Public Infrastructure District Act, Title 17B, Chapter 2a, Part 12, Utah Code Annotated 1953, as amended (the “PID Act”) and relevant portions of the Limited Purpose Local Government Entities - Local Districts, Title 17B (together with the PID Act, the “Act”) within the boundaries of the City and approve an annexation area of approximately 1,700 acres (the “Annexation Area”) which any of the districts may annex into without further approval of the City or the Council, as further described in Governing Document Exhibits A-1, A-2, C-1 and C-2 (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the City may create one or more public infrastructure districts by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the District (the “Property Owners”); and

WHEREAS, the Petition, containing the consent of such Property Owners has been certified by the Recorder of the City pursuant to the Act and it is in the best interests of the Property Owners that the creation of the District be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the City previously held a public hearing on June 11, 2020 to receive input from the public regarding the creation of the District and the Property Owners have waived the 60 day protest period pursuant to Section 17B-2a-1204 of the PID Act; and

WHEREAS, it is necessary to authorize the creation of the District under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, the governance of the District shall be in accordance with the PID Act and the terms of a governing document (the “Governing Document”) attached hereto as Exhibit B and an Interlocal Agreement between the City and the District, attached to the Governing Document as Governing Document Exhibit D; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah a Notice of Boundary Action attached hereto as Exhibit C (the “Boundary Notice”) and a Final Entity Plat attached thereto as Boundary Notice Exhibit B (the “Plat”).

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

# Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the District, are hereby ratified, approved and confirmed.

# The District is hereby created as a local district in accordance with the Governing Document and the Act. The boundaries of the District shall be as set forth in the Governing Document and the Plat.

# Pursuant to the terms of the PID Act, the Council does hereby approve annexation of any area within the Annexation Area Boundaries into the District without any further action of the Council or the City and further approves withdrawal of any area within the Initial District Boundaries (as defined in the Governing Document) or Annexation Area Boundaries from the District without any further action of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

# It is hereby found and determined by the Council that the creation of the District is appropriate to the general welfare, order and security of the City, and the organization of the District pursuant to the PID Act is hereby approved.

# The Governing Document and the Interlocal Agreement in the form presented to this meeting and attached hereto as Exhibits B and Governing Document Exhibit D are hereby authorized and approved and the District shall be governed by the terms thereof and applicable law.

# The District Board are hereby appointed as follows:

## Trustee 1 – Darcy Stewart for an initial term of 6 years.

## Trustee 2 – Colleen Stewart for an initial term of 4 years.

## Trustee 3 – Neal Marchant for an initial term of 6 years.

# The Council does hereby authorize the Mayor or a Council Member to execute the Boundary Notice in substantially the form attached as Exhibit C and such other documents as shall be required to finalize the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

# The Board of Trustees of the District (the “District Board”) is hereby authorized and directed to record such Governing Document with the recorder of Washington County within 30 days of the issuance of an issuance of the Certificate of Incorporation by the Office of the Lieutenant Governor of the State of Utah.

# If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

# All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

# This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of the City of Toquerville, Utah, this July 16, 2020.

CITY OF TOQUERVILLE, UTAH

By:

Mayor

ATTEST:

By:

City Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Board of the City adjourned.

By:

Chair

ATTEST:

By:

City Recorder

STATE OF UTAH )

 : ss.

COUNTY OF WASHINGTON )

I, Ruth Evans, the undersigned duly qualified and acting City Recorder of the City of Toquerville, Utah (“the City”), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the City Council (the “the Council”), had and taken at a lawful meeting of the Council on July 16, 2020, commencing at the hour of 6:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this July 16, 2020.

By:

City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned of the City of Toquerville, Utah (the “the City”), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the “Council”) on July 16, 2020, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Spectrum at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2020 Annual Meeting Schedule for the Board of (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be (i) posted on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the City on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and (iii) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 16, 2020.

By:

City Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

GOVERNING DOCUMENT

EXHIBIT C

NOTICE OF BOUNDARY ACTION

**NOTICE OF IMPENDING BOUNDARY ACTION**

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Toquerville, Utah (the “Council”), acting in its capacity as the creating entity for the Pine View Public Infrastructure District No. 5 (the “District”), at a regular meeting of the Council, duly convened pursuant to notice, on July 16, 2020 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as EXHIBIT “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Washington County, Utah, is attached as EXHIBIT “B” hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this day of , 2020.

**CITY COUNCIL, THE CITY OF TOQUERVILLE, UTAH,**

**acting in its capacity as the creating authority for the Pine View Public Infrastructure District No. 5,**

By: AUTHORIZED REPRESENTATIVE

**VERIFICATION**

STATE OF UTAH )

:ss.

County of Washington )

SUBSCRIBED AND SWORN to before me this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

NOTARY PUBLIC

**EXHIBIT “A”**

**Copy of the Creation Resolution**

**EXHIBIT “B”**

**Final Local Entity Plat**