
PANGUITCH CITY COUNCIL

AGENDA

PANGUITCH CITY OFFICE
25 S 200 E CONFERENCE ROOM
PANGUITCH, UTAH 84759
SEPTEMBER 13, 2022, 5:30 PM

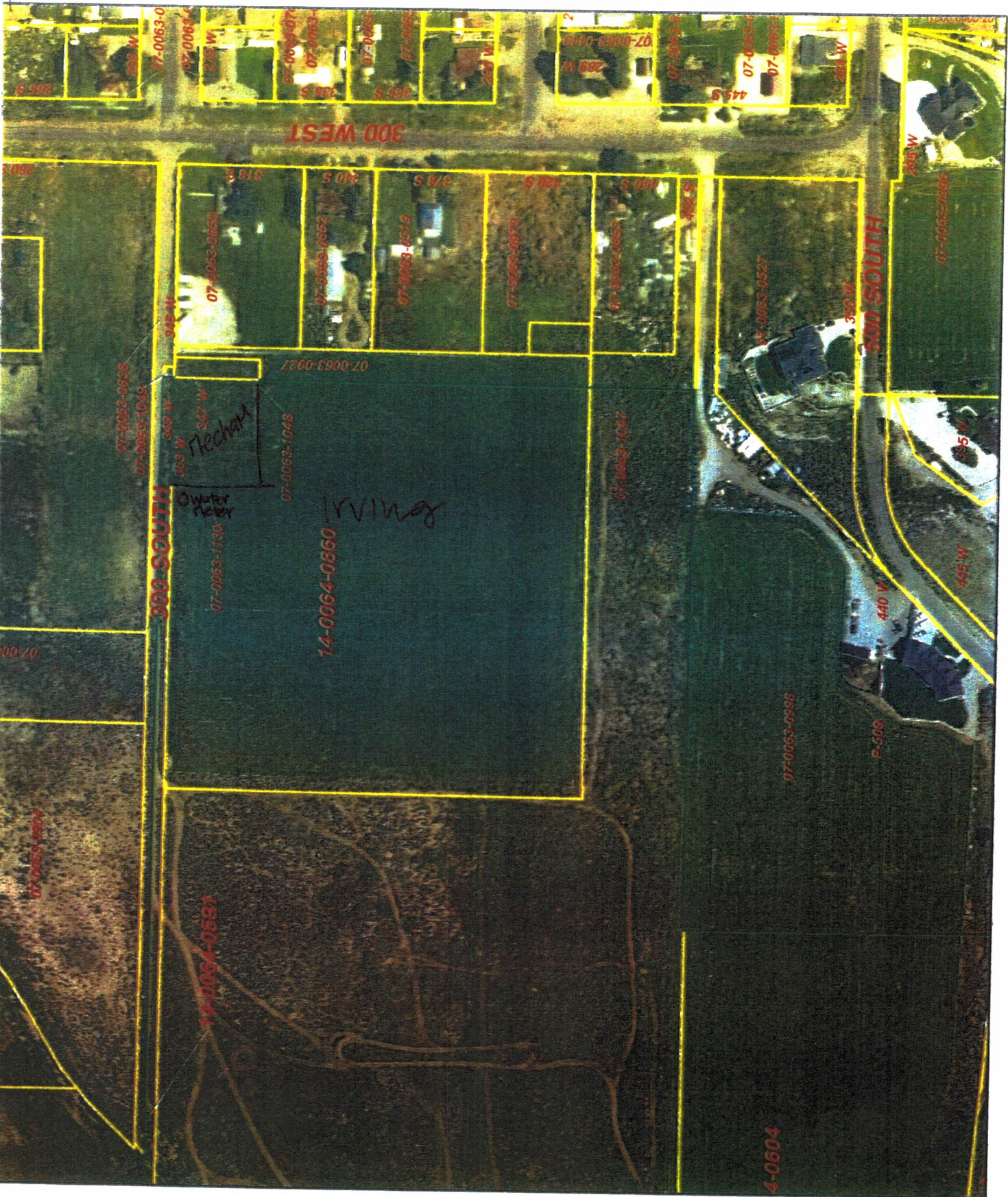
- OPENING CEREMONY
- ADOPTION OF THE AGENDA
- APPROVAL OF MINUTES
- OFFICER REPORT
- JOHN CRANDELL
- IRVING/MECHAM PROPERTY ACCESS
- THE LOCAL BUILDING AUTHORITY OF PANGUITCH CITY
- BY LAWS OF THE LOCAL BUILDING AUTHORITY
- ARTICLES OF INCORPORATION OF THE LOCAL BUILDING AUTHORITY
- MINUTES OF THE ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES OF THE LOCAL BUILDING AUTHORITY
- RESOLUTION 2022-5 ORGANIZING THE PANGUITCH CITY LOCAL BUILDING AUTHORITY
- SUBDIVISION WATER RIGHTS
- INDUSTRIAL PARK SUBDIVISION UTILITIES
- MULTIFAMILY DWELLING
- SEWER LAGOON PROPERTY
- DEPARTMENT REPORTS/CALENDAR
- EXECUTIVE SESSION
- ADJOURNMENT

REASONABLE ACCOMMODATION: The City of Panguitch will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs.

Please contact Lori Talbot at Panguitch City office at least 24 hours in advance if you have special needs.

Anyone who wishes to offer a prayer or thought in the opening ceremony at City Council is welcome to do so by calling City Manager Lori Talbot at 435-676-8585 to schedule an appointment. Participation may be telephonic or electronic.

Items may not be covered in order listed. Panguitch City is an equal opportunity employer.



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**BY-LAWS OF
LOCAL BUILDING AUTHORITY OF PANGUITCH CITY
[A Utah Non-Profit Corporation]**

* * * * *

These By-Laws have been adopted for the regulation and management of the affairs of the Local Building Authority of Panguitch City (the "Corporation"), subject to the provisions of its Articles of Incorporation and the laws of the State of Utah, at a meeting of the Board of Trustees of the Corporation held in Panguitch, Utah, on the 13th day of September, 2022, duly called for that purpose.

ARTICLE I

**PROPERTY INTEREST AND NON-LIABILITY
OF TRUSTEES AND OFFICERS**

SECTION 1. Non-profit Character and Property Interest. The Corporation is organized and shall operate as a non-profit corporation which does not distributed any part of its income to its trustees or officers. No trustee or officer of the Corporation shall have any right, title or interest in or to any property, assets, or income of the Corporation either prior to or at the time of the dissolution of the Corporation, all of which properties, assets, and income shall at the time of dissolution be transferred to Panguitch, Utah, (the "City") as provided in the Articles of Incorporation of the Corporation. The property, assets, and income of the Corporation shall not inure to the benefit of any private person or private corporation. No earnings of the Corporation may inure to the benefit of anyone other than the City.

SECTION 2. Non-Liability. No member of the Board of Trustees or officer of the Corporation shall be individually liable upon any indebtedness or liability incurred by the Corporation.

SECTION 3. Activities. The Corporation shall engage only in activities which are essentially public in character and which are consistent with the purposes for which the Corporation was organized as provided in its Articles of Incorporation.

ARTICLE II

MEETINGS

SECTION 1. Regular Meetings. The Board of Trustees may provide for the holding of regular meetings of the Board of Trustees following such notice to the trustees and to the public as may be required by Section 3 of this Article II.

SECTION 2. Special Meetings. Special meetings of the Board of Trustees may be called upon a written order signed by a majority of the trustees or by the President of the Corporation, and it shall thereupon be the duty of the Secretary to cause notice of such meeting to be given as provided in Section 3 of this Article II.

SECTION 3. Notice. Notice to the trustees of any regular or special meeting of the Board of Trustees of the Corporation shall be given by the Secretary at least ten (10) days prior to any meeting. The Secretary of the Corporation shall cause notice to be given to the public of any such meeting as required by law, including but not limited to any such notice as may be required by the Utah Open and Public Meeting Law, as amended or supplemented from time to time.

SECTION 4. Waiver of Notice. Any trustee may waive any notice of a meeting required to be given by these By-Laws or any other notices required to be given to such trustee under the provisions of the Utah Revised Non-Profit Corporation Act or under the provisions of the Articles of Incorporation of the Corporation or these By-Laws by signing a written waiver thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Trustees need be specified in the waiver of notice of such meeting. The attendance of a trustee at any meeting shall constitute a waiver of notice of such meeting by such trustee, except where such trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting has not been lawfully called or convened.

SECTION 5. Quorum. A majority of the number of trustees shall constitute a quorum for the transaction of business at any meeting of the Board of Trustees. The act of a majority of the trustees present at a meeting at which a quorum is present shall be the act of the Board of Trustees; provided that no act of the Board of Trustees shall be valid or binding unless at least four trustees concur therein. If less than a quorum is present at a meeting, a majority of the trustees present may adjourn the meeting from time to time without further notice.

SECTION 6. Voting. Each trustee shall be entitled to only one vote upon each matter submitted to a vote at a meeting of the Board of Trustees.

ARTICLE III

TRUSTEES

SECTION 1. General Powers. The affairs of the Corporation shall be managed by its Board of Trustees which shall exercise all of the powers of the Corporation.

SECTION 2. Number, Appointment, Tenure of Office and Removal. The initial number of trustees of the Corporation shall be six (6); provided that the number of trustees of the Corporation shall be increased or decreased automatically and without any further action of the Board of Trustees of the Corporation or of the Governing Body of the City (including, but not limited to, any action to amend these By-Laws or the Articles of Incorporation of the Corporation) to equal the number of members of the Governing Body of the City (Mayor and City Councilmembers) at any time as the number of the members of the Governing Body shall be

increased or decreased as provided by law. The Mayor and City Council shall act as the members of the Board of Trustees of the Corporation and, upon taking office as members of the Governing Body of the City, shall be considered as appointed to the Board of Trustees of the Corporation. The term of office of each trustee shall be the period during which such trustee serves as a member of the Governing Body of the City. Each trustee shall hold office for the term for which he is appointed and until his successor shall have been appointed and qualified. No trustee shall take office unless and until he is a duly elected or appointed member of the Governing Body of the City. Any trustee who ceases to be a member of the Governing Body of the City shall simultaneously cease to be a trustee. To the extent provided by law, members of the Board of Trustees may be removed and replaced by the Mayor and City Council at any time in their discretion, upon the filing with the Secretary of the Corporation of a certified copy of a resolution directing such removal and replacement adopted by the Mayor and City Council, a copy of which resolution shall be recorded in the corporate records of the Corporation; provided, however, that only a member of the Governing Body of the City may be appointed to replace any trustee so removed.

SECTION 3. Vacancies. Any vacancy occurring in the Board of Trustees, including any trusteeship to be filled by reason of an increase in the number of trustees as provided in Section 2 of this Article III, shall be filled by the member of the Governing Body of the City as a result of such vacancy or as a result of the increase in the number of members of the Governing Body of the City, such appointment as a trustee to be effective upon such successor taking office as a member of the Governing Body of the City. Any such vacancy in the Board of Trustees shall remain unfilled until the election or appointment of a new member to the Governing Body of the City who shall be considered as appointed to the Board of Trustees in the manner provided in Section 2 of this Article III.

SECTION 4. Compensation. Neither trustees nor officers shall receive any salary for their services rendered to the Corporation except that, by resolution of the Board of Trustees, actual expenses of attendance, if any, may be allowed for attendance at meetings of the Board of Trustees. No trustee or officer shall receive compensation for serving the Corporation in any other capacity, nor shall any close relative (as hereinafter defined) of a trustee or officer receive compensation for serving the Corporation. The term "close relative" as used herein shall mean any brother or sister of any trustee or officer, the forbears and descendants of a trustee or officer or of any such brother or sister, and any spouse of a trustee or officer or any aforesaid person.

SECTION 5. Accounting and Audits. The Board of Trustees shall establish and maintain an appropriate accounting system. A complete audit shall be made of the Corporation's accounts, books, and financial condition after the close of each fiscal year, and a report thereon shall be submitted to the City Council.

ARTICLE IV

OFFICERS

SECTION 1. Number. The officers of the corporation shall be a President, Secretary, Treasurer and such other officers as may be determined by the Board of Trustees from time to time to perform such duties as may be designated by resolution of the Board of Trustees. Any two or more offices may be held by the same person, except the offices of President and Secretary. The President shall be a member of the Board of Trustees, but none of the other officers need be members of the Board of Trustees unless required by law.

SECTION 2. Initial Election of Officers. At the first meeting of the members of the Board of Trustees, the trustees shall elect a President, Secretary and Treasurer, who shall serve as the officers of the Corporation until their successors are duly elected and qualified or until they are removed as provided in Section 4 of this Article IV.

SECTION 3. Election of Officers and Term of Office. After the initial election of officers, the officers shall be elected by the Board of Trustees at a regular meeting called for such purpose from time to time as a vacancy occurs in any office. Each officer shall hold office until his successor shall have been duly elected and qualified or until he is removed as provided in Section 4 of this Article IV.

SECTION 4. Removal of Officers and Agents by Board of Trustees. Any officer or agent of the Corporation may be removed by the Board of Trustees whenever in its judgment the best interests of the Corporation will be served thereby.

SECTION 5. President. The President

(a) shall be the principal executive officer of the Corporation and, unless otherwise determined by the Board of Trustees, shall preside at all meetings of the Board of Trustees;

(b) may sign any deeds, mortgages, deeds of trust, bonds, contracts, leases, assignments or other instruments authorized by the Board of Trustees to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by these By-Laws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed; and

(c) shall in general perform all duties incident to the office of President and such other duties as from time to time may be assigned by the Board of Trustees.

SECTION 6. Secretary. The Secretary shall:

- (a) keep the minutes of the meetings of the Board of Trustees in one or more books provided for that purpose;
- (b) see that all notices are duly given in accordance with these By-Laws or as required by law;
- (c) be custodian of the corporate records and of the seal of the Corporation and affix the seal of the Corporation to documents, the execution of which on behalf of the Corporation under its seal is duly authorized in accordance with the provisions of these By-Laws;
- (d) keep a register of the names and post office addresses of all members of the Board of Trustees;
- (e) have general charge of the books of the Corporation;
- (f) keep on file at all times a complete copy of the Articles of Incorporation and By-Laws of the Corporation containing all amendments thereto (which copy shall always be open to the inspection of any trustee) and, at the expense of the Corporation, forward a copy of the By-Laws and of all amendments thereto to each member of the Board of Trustees upon request; and
- (g) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the Board of Trustees.

SECTION 7. Treasurer. The Treasurer shall (except to the extent that the Corporation may have assigned its receivables or securities):

- (a) have charge and custody of and be responsible for all funds and securities of the Corporation;
- (b) be responsible for the receipt of, and the issuance of receipts for, all monies due and payable to the Corporation and for the deposit of all such monies in the name of the Corporation in such banks, trust companies, or depositories as shall be selected in accordance with the provisions of these By-Laws; and
- (c) in general perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the Board of Trustees.

SECTION 8. Powers, Duties, and Compensation. The powers, duties and compensation of officers, agents, and employees (other than those expressly hereinabove provided for the officers of the Corporation in this Article IV) shall be fixed by resolution of the Board of Trustees; subject to the provisions of these By-Laws with respect to compensation for trustees and officers and close relatives of trustees and officers and close relatives of trustees and officers as provided in Section 4 of Article III hereof.

SECTION 9. Bonds of Officers. The Treasurer and any other officer or agent of the Corporation charged with responsibility for the custody of any of its funds or property shall give bond in such sum and with such surety as the Board of Trustees shall determine or as may otherwise be required by law. The Board of Trustees in its discretion may also require any other officer, agent, or employee of the Corporation to give bond in such amount and with such surety as the Board of Trustees shall determine.

ARTICLE V

NON-PROFIT OPERATION

The Corporation shall at all times be operated on a non-profit basis. No dividend shall be paid or payable by the Corporation, and no part of the income of the Corporation shall be distributed by the Corporation, to any trustee or officer of the Corporation.

ARTICLE VI

ACCOMPLISHMENT OF PURPOSE

The Corporation is a public entity and an instrumentality of the State of Utah performing essential governmental functions on behalf of the City and has been organized solely for the purpose of accomplishing the public purposes for which the City exists by acquiring, improving, or extending improvements, facilities, or properties and appurtenances to them which the City is authorized or permitted by law to acquire, including, but not limited to, public buildings or other structures of every nature or any joint or partial interest in the same, which improvements, facilities, properties, and appurtenances need not be situated within the boundaries of the City and financing the costs of such improvements, facilities, or properties and appurtenances on behalf of the City. To fulfill its purpose, the Corporation intends to issue its bonds, notes, or other evidences of indebtedness (collectively, the "Bonds") to acquire funds to pay the costs of acquiring, improving, or extending any such improvements, facilities, or properties and appurtenances to them and to pay all costs incidental thereto to the extent permitted by law. Upon payment in full of all Bonds issued to acquire, improve, or extend a particular project, title to such project shall vest in the City as provided by law, and the Corporation shall forthwith tender by gift, or otherwise transfer, as provided by law, all of the Corporation's right, title and interest in and to such project to the City.

ARTICLE VII

DISSOLUTION

SECTION 1. Voluntary Dissolution. Subject to the limitations hereinafter provided, the Corporation shall be dissolved upon the affirmative vote of a majority of the members of the Board of Trustees voting upon a motion to dissolve, at a regular or special meeting of the Board of Trustees, in the manner provided by law; provided, however, that no such vote shall take effect and no dissolution of the Corporation shall occur until the filing with the Secretary of the Corporation of a certified copy of a resolution ordering such dissolution adopted by the City Council, a copy of

which resolution shall be recorded in the corporate records of the Corporation.

The Corporation may not be dissolved unless all outstanding Bonds and other obligations of the Corporation are paid in full as to principal, interest, and redemption premiums, if any, or unless provision for the payment of the same when due has been made.

SECTION 2. Distribution of Assets. Upon the dissolution of the Corporation, title to all "projects" (as such terms is defined in Section 11-29-2(5), Utah Code Annotated 1953, as amended) shall vest in the City, and all assets and net earnings of the Corporation remaining after payment or a provision has been made for the payment of all outstanding Bonds and obligations of the Corporation shall be transferred to the City.

ARTICLE VIII

FINANCIAL TRANSACTIONS

SECTION 1. Contracts. Except as otherwise provided by these By-Laws, the Board of Trustees may authorize any officer or officers, agent or agents, of the Corporation to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation, and such authority may be general or confined to specific instances.

SECTION 2. Checks, Drafts, Etc. All checks, drafts, or other orders for the payment of money, notes, bonds, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents, of the Corporation in such manner as shall from time to time be determined by resolution of the Board of Trustees.

SECTION 3. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Trustees may select or as may otherwise be required by law.

SECTION 4. Form and Execution of Bonds. The Bonds issued by the Corporation shall be in such form as may be approved by the Board of Trustees, shall be executed in the name and on behalf of the Corporation by such officer or officers of the Corporation as shall be designated by the Board of Trustees and under the corporate seal of the Corporation, and shall be issued in compliance with the terms and conditions, and subject to the limitations, provided in the Utah Local Building Authority Act as amended from time to time, including the requirement that no Bonds may be issued by the Corporation unless the issuance of the Bonds and the terms of the Bonds have been approved by the City Council, and in compliance with the terms and conditions provided in the proceedings authorizing the issuance of the Bonds.

ARTICLE IX

INDEMNIFICATION OF TRUSTEES AND OFFICERS

Each trustee and officer of the Corporation, whether or not then in office, and his personal representatives, shall be indemnified by the Corporation against all expenses actually and necessarily incurred by him in connection with the defense of any action, suit, or proceeding in which he is made a party by reason of being or having been such trustee or officer, to the extent and subject to the limitations provided in the Utah Governmental Immunity Act, Chapter 30 of Title 63, Utah Code Annotated 1953, as amended, and in Chapter 30b of Title 63, Utah Code Annotated 1953, as amended.

ARTICLE X

AMENDMENT

These By-Laws may be altered, amended, or repealed by the affirmative vote of a majority of the trustees present at any regular or special meeting, provided a quorum as provided in these By-Laws be present and provided the waiver or notice of such meeting shall have contained a copy of the proposed alteration, amendment, or repeal. Notwithstanding the foregoing, no such alteration, amendment, or repeal of any or all of these By-Laws shall take effect until a certified copy of a resolution or other proceeding approving such alteration, amendment, or repeal adopted by the City Council shall have been filed with the Secretary of the Corporation.

ARTICLE XI

MISCELLANEOUS

SECTION 1. Fiscal Year. The fiscal year of the Corporation shall be the same as the annual accounting period of the City as from time to time in effect, being initially a period commencing on July 1 of each calendar year and ending on the next succeeding June 30.

SECTION 2. Rules and Regulations. The Board of Trustees shall have the power to make and adopt such rules and regulations, not inconsistent with law, the Articles of Incorporation of the Corporation, or these By-Laws, as it may deem advisable for the regulation and management of the affairs of the Corporation.

SECTION 3. Office and Principal Place of Business. The office and principal place of business of the Corporation shall be located at 25 South 200 East, Panguitch, Utah.

The foregoing By Laws were approved by the Board of Trustees at the First meeting after incorporation at which a quorum was present pursuant to waiver of all trustees.

Secretary

I hereby certify that the foregoing is a full, true and correct copy of the By-Laws of the Local Building Authority of Panguitch City, a Utah non-profit corporation, adopted by the Board of Trustees of the Corporation on September 13, 2022, and as in effect on this 13th day of September, 2022.

Tyrissa Howell, Secretary
Local Building Authority of Panguitch City

**ARTICLES OF INCORPORATION
OF THE
LOCAL BUILDING AUTHORITY OF PANGUITCH CITY
[A Non-Profit Corporation]**

The undersigned, acting as incorporator of the Local Building Authority of Panguitch City, organized and incorporated under the "Utah Revised Non-Profit Corporation Act" and the Local Building Authority Act adopt the following Articles of Incorporation for such corporation:

ARTICLE I

The name of the corporation is: Local Building Authority of Panguitch City.

ARTICLE II

The address of the principal place of business of the Authority is: 25 South 200 East, P.O. Box 75, Panguitch, Utah (84759) and the name of its initial registered agent at such address is: Lori Talbot.

ARTICLE III

The period of its duration of said corporation is perpetual.

ARTICLE IV

The purpose or purposes for which the corporation is organized are:

Preliminary

This is a non-profit corporation organized and to be operated as that term is used in the Internal Revenue Code of 1954, as amended, and under Chapter 2, Title 17D, Utah Code Annotated, 1953, Utah Local Building Authority Act, and shall have all the powers and be subject to all the limitations provided in that Act, whether or not any such provision or limitations are set forth herein. The corporation shall be authorized to build, construct, improve, renovate, rehabilitate, own, hold, manage, lease from and to other parties, persons, or institutions, collect rents, and sell, mortgage, hypothecate, finance, and in every other way deal in buildings, structures, land (improved and unimproved) and appurtenances, buildings and structures thereon and fixtures there within and to obtain, facilitate and consummate all finances therefore;

The existence of this Corporation does not contemplate pecuniary gain or profit to the

trustees thereof and they shall so conduct its business and affairs so that no profit or income from the operation thereof shall inure to any trustee or officer of the Corporation or to any private person or corporation and no distribution shall ever be made of any of the properties or assets of the Corporation to any trustee or officer thereof or to any private person or corporation. Upon dissolution of the Corporation, all of the Corporation's assets remaining after the payment of all of its liabilities shall be transferred to Panguitch City, Garfield County, Utah (the "City"), free and clear of all liens and encumbrances, without consideration of whatsoever kind or nature.

The General Purposes of the Corporation are:

(a) To accomplish the public purposes for which the City exists by acquiring, improving, or extending one or more Projects ("Project"), as used in these Articles of Incorporation, shall mean improvements, facilities, or properties and appurtenances to them which the City is authorized or permitted by law to acquire, including, but not limited to acquisition of public safety equipment, and to acquire or lease land required for or related to these purposes, and other structures of every nature, public parking areas, lots, or facilities or any joint or partial interest in the same, which improvements, facilities, properties and appurtenances need not be situated within the boundaries of the City), and financing the costs thereof on behalf of the City.

(b) To borrow the necessary funds to pay the costs of acquiring, improving, or extending such Projects, the indebtedness for which borrowed money may be evidenced by bonds, notes or other evidences of indebtedness ("Obligations") of the Corporation issued pursuant to the Utah Local Building Authority Act at any one or more times, which Obligations shall be secured by a pledge and assignment of the revenues received by the Corporation under any lease contract with respect to Projects financed with the proceeds of the sale of such Obligations and which may be secured by a mortgage, trust deed, indenture, pledge, agreement, assignment, security agreement, financing statement, or other instrument pursuant to which property may be encumbered as security for obligations, covering all or any part of a Project, whether or not financed with such borrowed funds, by a pledge and assignment of any lease contract with respect to a Project, whether or not financed with such borrowed funds, by amounts held in reserve funds or by such other security devices with respect to a Project, whether or not financed with such borrowed funds, as may be deemed most advantageous by the Corporation.

(c) To conduct its business and affairs so as to tender by gift to the City after all of the Corporation's indebtedness has been paid, all rights, title and interest of the Corporation, in or to all of its properties and assets.

Without limiting the generality of the foregoing, but subject to the limitations set forth in Article IV hereof, the Corporation shall have all the powers, privileges and rights necessary or convenient for carrying out the purposes for which the Corporation is formed and the trustees hereby claim for the Corporation all the benefits, privileges, rights and powers created, given, extended or conferred by the provisions of all applicable laws of the State of Utah pertaining to local building authorities and to non-profit corporations and any additions or amendments thereto.

To do all and everything necessary, suitable and proper for the accomplishment of any purpose, or any statutory authority, the attainment of any object or the furtherance of any power herein before set forth or provided by law, either alone or in association with other corporations, firms or individuals; to do every other act or thing incidental or appurtenant to, growing out of, or connected with the aforesaid business or powers or any part thereof, provided the same be not inconsistent with the State of Utah Local Building Corporation Act and to do all such acts and things, conduct business, have one or more offices, and exercise its corporate powers in any and all places, without limitation.

ARTICLE V

The Board of Trustees of the Corporation shall have the power to adopt By-Laws for the conduct of the business and affairs of the Corporation, and may alter or rescind the same, except as may be provided in the By-Laws, by the vote of a majority of the trustees in office, provided that no such amendment shall take effect until a certified copy of a resolution or other proceeding approving such amendment by the Mayor and City Council of the City shall have been filed with the Secretary of the Corporation.

ARTICLE VI

The corporation shall have neither stock nor stockholders but is organized with members. The sole members of the corporation shall be the Board of Trustees. The voting members shall be the Board of Trustees.

ARTICLE VII

The affairs of the corporation shall be governed by a Board of Trustees.

The Trustees shall be the Mayor and City Council of Panguitch City. The number of Trustees shall never be reduced to less than three (3). The number of trustees constituting the initial Board of Trustees of the corporation is: six (6). The governing body may, at its sole discretion and at any time, alter or change the structure, organization, programs, or activities of the building authority, subject to the rights of holders of the authority's bonds and parties to its other obligations. The names and addresses of the persons who are to serve as initial Trustees until their successors are elected and shall qualify are:

Kim Soper

P.O. Box 75
Panguitch, UT 84759

Paul Dastrup

P.O. Box 75
Panguitch, UT 84759

Mark Boshell	P.O. Box 75 Panguitch, UT 84759
Trudi Owens	P.O. Box 75 Panguitch, UT 84759
Mike Sarles	P.O. Box 75 Panguitch, UT 84759
David Dodds	P.O. Box 75 Panguitch, UT 84759

The respective terms of the trustees shall equal his or her elected or appointed term as Mayor or councilmember for Panguitch City. Each shall serve until his successor is duly elected or appointed and qualified. Elected or appointed councilmember for the City shall become trustees hereof upon their qualification to serve as councilmembers.

ARTICLE VIII

These Articles of Incorporation may be amended or repealed in the manner provided by law; provided, however, to the extent permitted by applicable law, after the issuance of any Obligations of the Corporation and while any such Obligations may be outstanding, the provision of Article III hereof may not be amended or repealed unless necessary to comply with the requirements of applicable law, and no articles of amendment shall be delivered to the Secretary of State (and no amendment shall become effective) until a certified copy of a resolution or other proceeding of the Mayor and City Council of the City approving such amendment shall have been filed with the Secretary of the Corporation.

ARTICLE IX

No obligations of the Corporation shall be issued unless there shall have been filed with the Secretary of the Corporation a certified copy of a resolution or other proceedings of the Mayor and City Council of the City approving the issuance of such Obligations, and their terms.

ARTICLE X

The corporation shall be authorized and empowered to pay reasonable compensation for services rendered it and to make payments and distributions in furtherance of the purposes herein set forth. Notwithstanding any other provisions of these Articles, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE XI

The name and address of the incorporators of said corporation is:

Kim Soper

P.O. Box 75
Panguitch, UT 84759

DATED this 13th day of September, 2022.

Kim Soper, Incorporator

Lori Talbot, Registered Agent

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE ORGANIZATION OF A
LOCAL BUILDING AUTHORITY FOR PANGUITCH CITY,
GARFIELD COUNTY, UTAH, TO BE NAMED THE LOCAL
BUILDING AUTHORITY OF PANGUITCH CITY AND THE
FORMS OF ARTICLES OF INCORPORATION AND BY-
LAWS RELATING THERETO, AND AUTHORIZING THE
APPROPRIATE OFFICERS OF SAID CITY TO TAKE ALL
NECESSARY ACTION IN CONNECTION THEREWITH.**

WHEREAS, pursuant to the provisions of the Utah Local Building Authority Act, Sections 201 through 203 of Chapter 2, Title 17D of the Utah Code Annotated, 1953 as amended, Panguitch City, Garfield County, Utah is authorized to create a local building authority for the purpose of acquiring, leasing, constructing, furnishing, maintaining, or operating public safety equipment and to acquire or lease land required for or related to these purposes, or other structures of every nature or any joint or partial interest in the same, whether or not such improvements, facilities, properties and appurtenances are situated within the boundaries of Panguitch City, Garfield County, Utah; and

WHEREAS, the City Council of Panguitch City considers it necessary and desirable for the City to organize a not-for-profit corporation as a local building authority (the "Corporation") to carry out on behalf of Panguitch City the acquisition, improvement, or extensions of improvements, facilities or properties and appurtenances to them in accordance with the Utah Local Building Authority Act; and

WHEREAS, there have been presented to and reviewed by this City Council of the City proposed Articles of Incorporation and By-Laws for the Corporation, and the City Council of Panguitch City desires to approve the organization of the Corporation and such proposed documents and to authorize the appropriate officers of the City to take all necessary actions in connection with the organization of the Corporation;

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF PANGUITCH CITY, GARFIELD COUNTY, UTAH, AS FOLLOWS:

SECTION 1: That the City Council hereby approves the organization of the Corporation to function on behalf of Panguitch City as a local building authority in accordance with the provisions of the Utah Local Building Authority Act as the same now exists or as it may be from time to time amended and in connection therewith approves the proposed forms of Articles of Incorporation and By-Laws of the Corporation substantially in the forms which were presented to and reviewed by this Panguitch City Council and which are attached hereto as Exhibits "B" and "C", respectively.

SECTION 2: That the members of the City Council are authorized to execute the Articles

of Incorporation in substantially the form attached hereto; that the City Attorney shall cause such executed Articles of Incorporation to be filed with the Department of Commerce of the State of Utah and that the Mayor, City Council, City Recorder, City Attorney, and other officers of Panguitch City are authorized and directed to take all necessary actions to cause the organization of the Corporation.

SECTION 3: That all resolutions and orders or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED and APPROVED this 13th day of September, 2022.

PANGUITCH CITY

By _____
Mayor

ATTEST:

City Recorder

(SEAL)

**MINUTES OF ORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES
OF THE
LOCAL BUILDING AUTHORITY OF PANGUITCH CITY**

* * * * *

The organizational meeting of the Board of Trustees of the Local Building Authority of Panguitch City, a Utah non-profit corporation (hereinafter the "Authority"), was held at the City Offices in Panguitch, Utah, on September 13, 2022, at 5:30 o'clock p.m.

Each of the Trustees, by affixing his signature to the minutes of this meeting, hereby waives any and all notice of the time, place and purposes of this meeting to which he may be entitled and hereby consents to the transaction of all items of business set forth herein.

The following Trustees were present: Kim Soper, Paul Dastrup, Mark Boshell, Trudi Owens, Mike Sarles and David Dodds. Kim Soper presided as Chairman of the meeting, and Tyrissa Howell acted as Secretary of the meeting and recorded the proceedings.

The Chairman presented to the Board of Trustees an affidavit evidencing the giving of not less than 24 hours public notice of the agenda, date, time and place of the September 13, 2022, meeting of the Board of Trustees in compliance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the Board of Trustees, and (2) providing notice to at least one newspaper of general circulation with the geographic jurisdiction of Panguitch City, to a local media correspondent. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH)
 : SS.
COUNTY OF GARFIELD)

I, the undersigned, the duly appointed, qualified and acting Chairman of the Local Building Authority of Panguitch City do hereby certify, according to the records of the Authority in my official possession and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202(1), Utah Code Annotated, 1953, as amended, I gave not less than 24 hours public notice of the agenda, date, time and place of the September 13, 2022, General Public Meeting held by the Board of the Authority, by:

(a) causing a Notice of Regular Meeting to be posted at the principal office of the City Council at the City Offices in Panguitch, Utah, on September 12, 2022, at least 24 hours before

the convening of the meeting, in the form attached hereto as Exhibit A; said Notice of Regular Meeting having continuously remained so posted and available for public inspection during the regular office hours of the Board until the convening of the meeting; and

(b) causing a copy of the Notice of Regular Meeting in the form attached hereto as Exhibit A to be provided on September 12, 2022, at least 24 hours before the convening of the meeting to the Insider, a newspaper of general circulation within the geographic jurisdiction of the Authority and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Board.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed or imprinted hereon the official seal of the Authority, this 13th day of September, 2022.

Kim Soper, Chairman
Local Building Authority of Panguitch City

The Chairman stated that this was the Organizational Meeting of the Board of Trustees of the Authority.

The Chairman stated that the first item of business involved the election of officers of the Authority.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the normal rules of order be and the same hereby are waived and that the following persons be and they hereby are elected to serve as officers of this Authority until their successors are duly elected and qualified:

Kim Soper	President
Paul Dastrup	Trustee
Mark Boshell	Trustee
Trudi Owens	Trustee
Mike Sarles	Trustee
David Dodds	Trustee
Tyrisa Howell	Secretary

The Chairman stated that the next item of business to be transacted involved the adoption by the Board of Trustees of a proposed set of By-Laws for the regulation and management of the affairs of the Authority. The Chairman explained that these By-Laws had been reviewed and approved by the City Council of Panguitch City, Utah at its meeting held on September 13, 2022, and have previously been reviewed by each of the Trustees prior to this meeting.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the form of By-Laws submitted at this meeting be and the same hereby are adopted as the official By-Laws of this Authority.

The Chairman stated that the next item of business involved the adoption of an official seal of the Authority.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the seal presented at this meeting, an imprint of which is impressed below, be and is hereby adopted as the official seal of this Authority.

It was then deemed advisable to give general authority to the President and the Secretary to execute all necessary instruments or documents on behalf of the Authority required for the conduct of its affairs in the State of Utah.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the President and the Secretary be and they are hereby authorized to execute on behalf of the Authority any and all employment agreements, deeds, leases, contracts, purchase orders, assignments, notes, bonds, mortgages, deeds of trust, and other instruments or documents which may be necessary or desirable in connection with the conduct of the affairs of the Authority.

The Chairman then stated that the next item of business was the ratification of any and all actions heretofore taken by the officers of the Authority on behalf of the Authority with respect to its organization.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That any and all actions taken by the officers of the Authority prior to the date of this organizational meeting that are within the authority conferred hereby are hereby ratified, confirmed, and approved as the act and deed of the Authority, including but not limited to such actions as have heretofore been taken in connection with the organization of the Authority.

The Chairman then stated that the next item of business was establishing the annual meeting schedule of the Authority for the current year and for all future calendar years.

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the Board of Trustees of the Authority will hold regular meetings for the current calendar year and for all future calendar years from time to time as the Board of Trustees shall deem necessary. When held, regular meetings of the Board of Trustees will be on the second and fourth Tuesday of each month at the City Offices, 25 South 200 East, Panguitch, Utah. Notice of the annual meeting schedule for the Authority for each calendar year specifying the date, time and place of regular meetings of the Authority shall be given as required by Chapter 4 of Title 52, Utah Code Annotated 1953, as amended, or such successor provisions thereto as may be enacted by the Utah Legislature from time to time.

RESOLVED FURTHER: That the Secretary of the Authority is hereby elected to give public notice of the annual meeting schedule of the Board for calendar year 2022 by:

- (a) causing a notice of the annual meeting schedule for the Authority to be posted at the principal office of the Authority at the City Offices, Panguitch, Utah, as soon as reasonably practicable hereafter, in substantially the form attached hereto as Exhibit "B"; said notice of annual meeting schedule to continuously remain so posted and available for public inspection during regular office hours of the Secretary until at least December 31, 2022; and
- (b) causing a copy of the notice of annual meeting schedule in the form hereto as Exhibit "B" to be provided as soon as reasonably practicable to the Insider, a newspaper of general circulation within the geographic jurisdiction of Panguitch, Utah and the Authority, and to each local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Board.

The Chairman then stated that the next item of business was the appointment of bond counsel, to act in connection with the issuance, sale and delivery by the Authority of certain Lease Revenue Bonds, to finance the purchase of public safety equipment on behalf of Panguitch, Utah (the "City").

Upon motion being duly made, seconded and unanimously carried, the following resolution was adopted:

RESOLVED: That the law firm of Chamberlain Associates is hereby appointed to act as bond counsel in connection with the issuance, sale and delivery of certain Lease Revenue Bonds by the Authority for the purpose of financing the acquisition of public safety equipment on behalf of the City as authorized by the Utah Local Building Authority Act, and the President is hereby authorized and directed to attest, an engagement letter between the Authority and Chamberlain Associates in form and

content acceptable to the President of the Authority.

After the conduct of other business not pertinent to the foregoing, it was, upon motion being duly made, seconded and unanimously carried, adjourned.

Kim Soper

Paul Dastrup

Mark Boshell

Trudi Owens

Mike Sarles

David Dodds

STATE OF UTAH)
 : SS.
COUNTY OF GARFIELD)

I, TYRISSA HOWELL, do hereby certify that I am the duly qualified and acting Secretary of the Local Building Authority of Panguitch City.

I further certify that the foregoing constitutes a true and correct copy of the minutes of the meeting of the Board of Trustees of the Local Building Authority of Panguitch City held September 13, 2022, at the City Offices at which said Board of Trustees was organized.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Authority this 13th day of September, 2022.

Tyrissa Howell, Secretary
Local Building Authority of Panguitch City

EXHIBIT "A"

ATTACH COPY OF NOTICE OF REGULAR MEETING SCHEDULE

Entity: Panguitch

Body: Panguitch City Council

Subject:	Public Meetings
Notice Title:	Panguitch City Council Public Notice 9-13-2022
Meeting Location:	25 S 200 E Panguitch UT 84759
Event Date & Time:	September 13, 2022 September 13, 2022 05:30 PM
Description/Agenda:	PANGUITCH CITY COUNCIL PUBLIC NOTICE PANGUITCH CITY OFFICE 25 S 200 E CONFERENCE ROOM PANGUITCH, UTAH 84759 SEPTEMBER 13, 2022, 5:30 PM Notice the Panguitch City Council will be meeting September 13, 2022, at 5:30 PM to give consideration for and adoption of a resolution authorizing the creation of the Local Building Authority of Panguitch City and approval of related organizational documents.
Notice of Special Accommodations:	REASONABLE ACCOMMODATION: The City of Panguitch will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact Lori Talbot Panguitch City office at least 24 hours in advance if you have special needs. Anyone who wishes to offer a prayer or thought in the opening ceremony at City Council is welcome to do so by calling City Manager Lori Talbot at 435-676-8585 to schedule an appointment. **Items may not be covered in order listed. Panguitch City is an equal opportunity employer.**
Notice of Electronic or telephone participation:	NA
Other information:	
Contact Information:	Tyrissa Howell (435)676-8585 tyrissa.panguitchcity@gmail.com
Posted on:	September 08, 2022 07:57 AM
Last edited on:	September 08, 2022 07:57 AM

EXHIBIT "B"

**NOTICE OF REGULAR MEETING SCHEDULE
FOR THE
LOCAL BUILDING AUTHORITY OF PANGUITCH CITY**

PUBLIC NOTICE is hereby given that regular meetings of the Local Building Authority of Panguitch City shall be held on the second and fourth Tuesday of the months of January, February, March, April, May, June, July, August, September, October, November and December at the City Offices, 25 South 200 East, Panguitch, Utah, as deemed necessary by the Board of Trustees of the Local Building Authority of Panguitch City.

DATED this 13th day of September, 2022.

/s/ Tyrissa Howell
Secretary
Local Building Authority of Panguitch City

Posted on September __, 2022

Delivered to the Insider on September __, 2022

PANGUITCH CITY ORDINANCE NO. 2022-

AN ORDINANCE REQUIRING APPLICATIONS FOR WATER SERVICES.

WHEREAS, the City of Panguitch desires to assure that it has an adequate and lasting supply of water to service its residents; and

WHEREAS, there is a possibility of the curtailment of underground water rights which may result in the City's inability to provide culinary water services to its residents in the future; and

WHEREAS, the City Council, as the governing body of the City of Panguitch, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Panguitch to address its current water supply and future growth.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PANGUITCH CITY, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1: APPLICATION FOR WATER:

Any person desiring to obtain City water services shall make an application to the City office. Said application shall be filed with the Panguitch City offices, and shall state the location, kind of building, number of rooms, number of taps, and fully and completely state the purpose for which the water is to be used. An application shall be filed before any person taps into or connects in any way to the City water system. The tapping or connection fee shall be paid at the time of application and no work shall be done on the application and no water shall be supplied to the applicant until such fee have been paid in full. If the property connection is a new lot created after the enactment of this ordinance by a lot split, subdivision or by annexation, then the applicant shall provide the City sufficient water to adequately service said new connection. Upon providing said water, completion of the application, and payment of the tapping or connection fee, the applicant shall be authorized to extend, at his/her own expense, a water service pipe from the existing water main to the premises covered by the application as directed by City officials. All such work shall be done under the designees of the City, including the Building Inspector. In the event an applicant desires a service pipe larger than $\frac{3}{4}$ of an inch in diameter, the tapping of connection fee may be increased proportionately as established by resolution of the City Council to compensate the City for the extra use of water occasioned by the larger service connection. All applications for water shall contain an agreement signed by the applicant that they shall pay for the water and service at rates established from time to time by Ordinance of the City.

Section 2: SUBDIVISION WATER AMENDMENTS:

- A. If the property connection is a new lot created after enactment of this ordinance, by a lot split, any form of subdivision occurs or new property is annexed into the City boundaries, the applicant shall be assessed a Water Development Fee which Water Development Fee shall provide sufficient water to adequately service said

connection(s). The Water Development fee shall be based on the following general subdivision water assignments, subject to adjustment based on type and nature of use as established by resolution:

1. Domestic use evaluated at 1.45 acre-feet for each unit in the subdivision;
2. Irrigation use evaluated at 4.0 acre-feet per irrigated acre for each unit in the subdivision;
3. Stock water use evaluated at 0.028 acre-feet for cattle equivalent as defined by the Division of Water Rights and the Department of Natural Resources of the State of Utah; and
4. All industrial and commercial uses evaluated based on the current State of Utah Public Drinking Water Regulations, Design and Construction Standards.

B. As used in the foregoing section, the term unit shall mean: In a subdivision involving single family residences, a unit shall mean each single-family residence or each lot designated for construction of a single-family residence. In multi dwelling developments such as apartments, condominiums, and planned unit developments, a unit shall mean each definable living area, apartment, residence, or condominium unit within the development.

Section 3: SEVERABILITY:

If any provision of this ordinance is declared invalid or inoperative by a court of competent jurisdiction, the remainder shall not be affected thereby and effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 4: PARAGRAPH HEADINGS:

The paragraph headings used herein are for convenience only and shall not be considered in the interpretation of this Ordinance.

Section 5: REPEALER:

Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.

Section 6: EFFECTIVE DATE:

The City Council of Panguitch City, State of Utah, has determined that the public health, safety and welfare requires that this Ordinance take effect immediately. Therefore, this Ordinance shall become effective immediately upon passage and publication as required by law.

PASSED, APPROVED, ADOPTED and ORDAINED this ____ day of _____, 2022

PANGUITCH CITY:

By: _____
KIM SOPER, Mayor

ATTEST:

TYRISSA HOWELL
Clerk

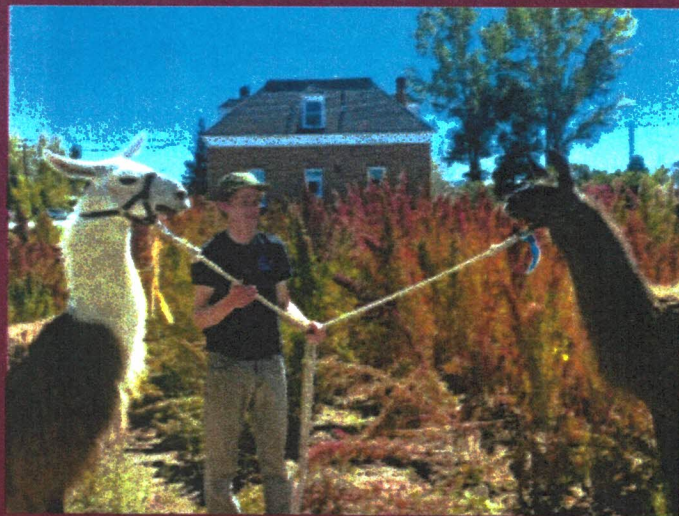
QUINOA HARVEST & ANDEAN FESTIVAL

Hosted by Panguitch Gem Theater

Main event dinner show, 5:30 pm, Sept 17th in Social Hall
Tickets required for dinner/show: \$20 for adults, \$10 under 16
Peruvian dinner buffet (La Carreta Restaurant) and traditional
Andean music (by Los Hermanos de Los Andes). Andean ice
cream flavors made at Gem Theater.

Additional events earlier in the
day
include:

- Llama hike/walk
- Llama rides for young kids
- Meet the quinoa experts
- Hands-on quinoa harvesting
- Guaraca (Andean slingshot) demonstration and instruction
- South America-themed movie at the Gem Theater



Presented

by



Details and schedule at
www.panguitchgem.com/quinoa