

STATE OF UTAH)
 : ss.
COUNTY OF GRAND)

I, Bobbie Domenick, the duly qualified and acting Clerk of the Board of County Commissioners of Grand County, Utah, do hereby certify that the Resolution attached hereto is a true and correct copy of the Resolution adopted by the Board of County Commissioners of Grand County, Utah, on June 20, 1977, and amended August 15, 1977.


Clerk

(S E A L)

(RESOLUTION AS AMENDED)

A 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 and providing for notice of said hearing.

WHEREAS, the Board of County Commissioners of Grand County, Utah, believe that the public health, convenience and necessity require a water works collection, retention and wholesale delivery system to serve the area hereinafter described, and that in order to provide for the acquisition and financing of said water system, it is desirable to incorporate said area into a Special Service District pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Sections 11-23-1 to -29 (1953), as amended, and Article XIV, Section 8 of the Utah Constitution; and

WHEREAS all property included within the boundaries of said proposed Special Service District will be benefited by the creation thereof and the acquisition of said water system; 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 established by said Commission to provide water services, nor is the area within any other district presently providing similar water services; and

WHEREAS said proposed Special Service District would include the municipality of Moab, the City Council of which will be requested to consent by resolution to the inclusion of said municipality within said District; and

WHEREAS, because the proposed special service district would include the Spanish Valley Water and Sewer Improvement District created under the provisions of Chapter 6 Title 17 of the Utah Code Annotated (1953), as amended, the Trustees of said Special Improvement District will be requested to

consent by resolution to the inclusion of said District within the proposed special service district in accordance with Utah Code Annotated, Section (1953), as amended;

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Grand County, Utah, as follows:

Section 1. The public health, convenience and necessity require the creation within Grand County, Utah of a Special Service District pursuant to the provisions of the Utah Special Service District Act, Utah Code Annotated, Sections 11-23-1 to -29 (1953) as amended, and Article XIV, Section 8 of the Utah Constitution.

Section 2. The boundaries of said Special Service District to be so established shall be as set forth in the Notice of Hearing in Section 7 hereof.

Section 3. Said Special Service District is to be created for the purpose of providing water works collection, retention and wholesale delivery within said District through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services.

Section 4. The Special Service District so created shall be known as "Grand County Special Service Water District".

Section 5. A public hearing on the question of the creation of the proposed Grand County Special Service Water District shall be held by the Board of County Commissioners at the County Building, Moab, Utah, at 10:00 A.M. on the 18th day of July, 1977, at which time and place all interested parties may appear and be heard either in support of or in opposition to the creation of the proposed Grand County Special Service Water District as more fully described in the Notice of Intention set forth in Section 7 hereof.

Section 6. A Notice of the Intention to create the proposed Grand County Special Service Water District shall be published at least once a week during three consecutive weeks, the first publication to be not less than twenty-one (21) days nor more than thirty-five (35) days before the hearing, in the Times Independent, a newspaper having general circulation in Grand County.

Section 7. The Notice of Intention to be published shall be in substantially the following form:

Section 8. The membership of the Administrative Control Board of said Special Service Water District shall consist of five (5) members, three (3) members of whom shall be appointed by the Board of Commissioners. A fourth member of the Administrative Control Board shall be appointed by the City of Moab and a fifth member of said Board shall be appointed by the Spanish Valley Water and Sewer Improvement District. The Board of Commissioners shall appoint the initial three (3) members of the Administrative Control Board, which it is entitled to appoint, one member to serve a four year term and the remaining two members each to serve a two year term, the determination of who shall serve in each category to be made by lot. Said terms shall commence on January 4, 1979, which is the next succeeding date that the terms of office commence for members of the Board of Commissioners. The initially appointed members of the Administrative Control Board shall serve an additional term commencing on the date of appointment and continuing until the regular commencement of the above-specified terms.

Vacancies of the three appointed members of said Board, other than by expiration of term, shall be filled by appointment of the Board of Commissioners for the unexpired term of the member whose vacancy is filled.

Section 9. The officers of Grand County, Utah, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 10. If any one or more sections, sentences, clauses or parts of this resolution shall, for any reason, be questioned or held invalid, such judgment shall not

effect, impair or invalidate the remaining provisions of this resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this resolution in any other instances.


Section 11. All resolutions, by-laws and regulations of Grand County, Utah, in conflict with this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, by-law, or regulation, or part thereof, heretofore repealed.

(Other business not pertinent to the above appears in the minutes of the meeting.)

Pursuant to motion duly made and carried, the meeting was adjourned.

ATTEST:


County Clerk


Commission Chairman