

GRAND COUNTY SPECIAL SERVICE WATER DISTRICT

**RECORD OF PROCEEDINGS
FOR THE CREATION OF THE GRAND
WATER AND SEWER SERVICE AGENCY**

A special meeting of the Grand County Council, acting as the governing authority of the Grand County Special Service Water District, was held on Monday, September 21, 1998, at the hour of 7:00 p.m., at the County Council Chambers of Grand County, in Moab, Utah, at which meeting there were present and answering roll call the following members who constituted a quorum:

Harvey Merrell	Chair
Bart Leavitt	Vice-chair
Kenneth Ballantyne	Member
Al McLeod	Member
Dale Mosher	Member
Frank Nelson	Member
Jim Lewis	Member

Council Member Ballantyne introduced the following resolution in writing, which was read in its entirety, and moved its adoption:

[THIS SPACE LEFT INTENTIONALLY BLANK]

RESOLUTION NO. 98 - 01

A RESOLUTION SETTING FORTH THE FINDINGS OF THE COUNTY COUNCIL OF GRAND COUNTY, UTAH, ACTING AS THE GOVERNING AUTHORITY OF THE GRAND COUNTY SPECIAL SERVICE WATER DISTRICT RELATIVE TO THE CREATION OF THE GRAND WATER AND SEWER SERVICE AGENCY, AND AUTHORIZING THE CHAIRMAN OF THE COUNTY COUNCIL TO EXECUTE SAID AGREEMENT ON BEHALF OF SAID DISTRICT, AND DELEGATING AUTHORITY TO THE ADMINISTRATIVE CONTROL BOARD OF THE DISTRICT TO ACT AS THE GOVERNING AUTHORITY OF THE DISTRICT CONSISTENT WITH ALL APPLICABLE PROVISIONS OF THE SPECIAL SERVICE DISTRICT ACT.

WHEREAS, state law provides that, pursuant to the provisions of the Utah Interlocal Co-operation Act, §11-13-1, *et seq.*, Utah Code Ann., 1953, as amended (the "Act"), any power or powers, privileges or authority exercised or capable of exercise by a public agency of the state (defined as any political subdivision of the state, including special districts of various kinds), may be exercised and enjoyed jointly with any other public agency, and that any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Act; and

WHEREAS, the Grand County Special Service Water District, the Grand County Water Conservancy District, and the Spanish Valley Water and Sewer Improvement District (hereinafter collectively, the "Districts") have historically shared employees and other resources in providing their respective municipal services to residents and others within their respective boundaries; and

WHEREAS the County Council, acting as the governing authority of the Grand County Special Service Water District hereby finds and determines that there is mutual advantage and benefit of economies of scale, economic development and utilization of resources in cooperating with each of the other Districts in jointly planning, financing, operating and maintaining the resources and assets of the Districts in and for the common interest and good of the those served within their respective boundaries as the same currently exist and as the same may be modified by annexation from time to time; and

WHEREAS, the County Council hereby finds and determines it to be in the best public interest that an agreement be entered into among the Districts, and that a separate legal and administrative entity be established, pursuant to the provisions of §11-13-5.5 the Act, in order to accomplish the purpose and maximize the benefits of their joint and cooperative action, including the undertaking and financing of the services to be provided by and the ongoing operation and maintenance of all water and sewer systems, buildings, facilities, equipment, grounds, and all other resources and assets which are the properties of the Districts;

NOW, THEREFORE, BE IT RESOLVED by the County Council, acting as the governing authority of the Grand County Special Service Water District, Moab, Utah:

Section 1. The Chairman of the County Council is hereby authorized to execute, on behalf of the Grand County Special Service Water District, that certain Interlocal Agreement Creating the Grand Water and Sewer Service Agency.

Section 2. The County Council hereby delegates to the duly appointed Administrative Control Board of the District all power to act as the governing authority of the District with respect all matters pertaining to the Interlocal Agreement and the operation of the Agency created by the Interlocal Agreement, including the power to exercise all or any of the powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320 and 17A-2-1321 of the Utah Special Service District Act, 17A-2-1301 *et seq.*, Utah Code Annotated, 1953, as amended (the "Act"), as well as any and all other powers which may now, or hereafter be delegable to an administrative control board under the Act.

Section 3. This Resolution shall take effect immediately upon passage.

Council Member McLeod seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote.

Those voting AYE: Unanimous

Those voting NAY: None

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

Harvey Merrell
Chair

ATTEST:

Grae Townsend

County Clerk

STATE OF UTAH)

:ss

County of Grand)

CERTIFICATE

I, Fran Townsend, the duly chosen, qualified and acting Clerk of Grand County, Utah, do hereby certify as follows:

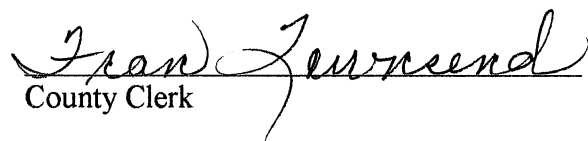
1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Grand County Council, acting as the governing authority of the Grand County Special Service Water District taken at a special meeting thereof held on September 21, 1998, insofar as said proceedings relate to the consideration and adoption of a resolution authorizing the chairman of the County Council to execute the Interlocal Agreement Creating the Grand Water and Sewer Service Agency, that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the ordinances of the County Council.

3. That the above resolution was deposited in my office and is a part of the permanent records of said District.

4. That in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the September 21, 1998, public meeting held by the County Council, acting as the governing authority of said District, by causing a notice to be posted at the principal offices of the County at least twenty-four hours prior to the convening of the meeting, a copy of which notice is attached hereto as Exhibit "A," and by causing a copy of such notice to be delivered to the Times Independent at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunder subscribed my official signature this 21 day of September, 1998.


County Clerk