

**MUNICIPAL BUILDING AUTHORITY OF  
DAGGETT COUNTY, UTAH**

**PARAMETERS RESOLUTION  
May 5, 2009**

Ent 024326 Bk 70 Pg 385  
Date: 13-MAY-2009 12:00PM  
Fee: None  
Filed By: CF  
KERI PALLESEN, Recorder  
DAGGETT COUNTY  
For: DAGGETT COUNTY

**RESOLUTION NO. 09-08**

**A RESOLUTION AUTHORIZING THE MUNICIPAL BUILDING AUTHORITY OF DAGGETT COUNTY, UTAH TO GIVE NOTICE OF PUBLIC HEARING AND INTENT TO ISSUE NOT MORE THAN \$1,100,000 OF ITS LEASE REVENUE BONDS, SERIES 2009 FOR PUBLIC SAFETY IMPROVEMENTS, INCLUDING JAIL UPGRADES; FIXING THE MAXIMUM INTEREST RATE, MATURITY, AND DISCOUNT OF THE BONDS; AND RELATED MATTERS.**

**WHEREAS, Daggett County, Utah (the "County") has previously created the Municipal Building Authority of Daggett County, Utah (the "Issuer") to finance public projects for the County; and**

**WHEREAS, pursuant to the provisions of the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended (the "Act" this Act has replaced the Municipal Building Authority Act), the Issuer has authority to issue lease revenue bonds for the purposes set forth therein; and**

**WHEREAS, the Act provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to bonds to be issued by the Issuer pursuant to this Resolution and the Final Bond Resolutions (as defined below):**

**NOW, THEREFORE, be it resolved by the Authority Board of the Municipal Building Authority of Daggett County, Utah, (the "Authority Board") as follows:**

**Section 1. The Authority Board of the Issuer hereby finds and determines that it is in the best interest of the Issuer and its residents for the Issuer to issue not more than \$1,100,000 aggregate principal amount of lease revenue bonds which shall be designated as the "Municipal Building Authority of Daggett County, Utah, Lease Revenue Bonds, Series 2009" (the "Series 2009 Bonds"), the Series 2009 Bonds to bear no interest, to mature in not more than thirty-five (35) years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof for the purpose of financing public safety improvements, including jail upgrades and related improvements (the "Project"), all pursuant to this Resolution, an Authorizing Resolution, and a Master Resolution to be adopted by the Authority Board authorizing and confirming the issuance and sale of the Series 2009 Bonds (herein referred to collectively as the "Final Bond Resolutions" and substantially in the form attached hereto as Exhibit**

**B)**, and the Issuer hereby declares its intention to issue the Series 2009 Bonds according to the provisions of this Resolution and the Final Bond Resolutions, when adopted.

**Section 2.** The Issuer hereby authorizes and approves the issuance and sale of the Series 2009 Bonds pursuant to the provisions of this Resolution and the Final Bond Resolutions to be adopted by the Authority Board at a later date, with such changes thereto as shall be approved by the Authority Board upon the adoption of the Final Bond Resolutions, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

**Section 3.** In accordance with the provisions of the Act, the Issuer's Secretary is hereby authorized and directed to cause a "Notice of Public Hearing and Bonds to be Issued" substantially in the form attached hereto as Exhibit A (the "Notice") to be (1) published once each week for two consecutive weeks in the Vernal Express, a newspaper of general circulation in the Issuer, and (2) posted on the Utah Public Notice Website at least 14 days before the Public Hearing, and to cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Secretary's office at the County offices in Manila, Utah, for public examination during regular business hours of the Issuer between 8:00 a.m. and 5:00 p.m. for at least thirty (30) days from and after the last date of publication of the Notice.

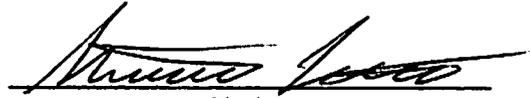
**Section 4.** All parts of this Parameters Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Parameters Resolution.

**Section 5.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Parameters Resolution shall be in full force and effect immediately upon its approval and adoption.

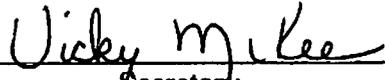
**Section 6.** The Issuer retains Smith Hartvigsen, PLLC as bond counsel.

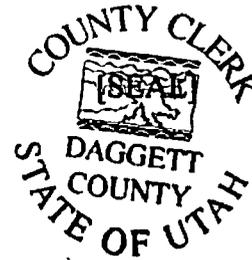
**Section 7.** The Secretary is hereby directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Parameters Resolution was considered for adoption.

APPROVED AND ADOPTED this May 5, 2009.

  
Chair

ATTEST:

  
Secretary



## RECORD OF PROCEEDINGS

The Authority Board of the Issuer met in public session at the regular meeting place of the Authority Board at 95 N. 1<sup>st</sup> W., Manila, Utah, on May 5, 2009 (the "Meeting"), at the hour of 9:00 a.m. or as soon thereafter as feasible, with the following members of the Authority Board being present:

Stewart Leith	Chair
Floyd Briggs	Board Member
Hank Gutz	Board Member

Also present:

Vicky McKee	Secretary
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Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and other matters were discussed, the foregoing resolution (the "Resolution") was introduced in written form and fully discussed. A motion to adopt the Resolution was then duly made by Floyd Briggs and seconded by Hank Gutz, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:     Hank Gutz  
                              Floyd Briggs  
                              Stewart Leith

Those voting NAY:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

## CERTIFICATE OF SECRETARY

I, Vicky McKee, the duly appointed and qualified Secretary of the Issuer, do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Authority Board at a public meeting duly held on May 5, 2009 (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Certificate of Compliance with Open Meeting Law. The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on May 5, 2009, and is officially of record in my possession.

I further certify that I caused the "Notice of Public Hearing and Bonds to be Issued" to be (1) published once each week for two consecutive weeks in a newspaper of general circulation in the Issuer with the first publication being not less than 14 days prior to the public hearing and (2) posted on the Utah Public Notice Website not less than 14 days before the public hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this May 5, 2009.



Vicky McKee  
Secretary

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Vicky McKee, the Secretary of the Issuer, do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, 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 May 5, 2009, public meeting held by the Issuer as follows:

(a) By causing a notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the meeting.

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the meeting

In addition, I personally provided notice to each and every member of the Governing Board of the Issuer.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 5, 2009.



Vicky McKee  
Secretary

*[Attach "Meeting Notice"]*

*[Attach "Notice of 2009 Annual Meeting Schedule"]*

**[ATTACH AFFIDAVIT OF PUBLICATION OF NOTICE OF PUBLIC HEARING  
AND BONDS TO BE ISSUED]**

**[ATTACH PROOF OF POSTING NOTICE OF PUBLIC HEARING AND BONDS  
TO BE ISSUED ON THE UTAH PUBLIC NOTICE WEBSITE]**

NOTICE OF SPECIAL MEETING

TO THE MEMBERS OF THE AUTHORITY BOARD OF THE MUNICIPAL BUILDING AUTHORITY OF DAGGETT COUNTY, UTAH:

NOTICE IS HEREBY GIVEN that a special meeting (the "Special Meeting") of the Authority Board of the Municipal Building Authority of Daggett County will be held at the Board's regular meeting place at 9:00 a.m., or as soon thereafter as feasible, on May 5, 2009, for the purpose of adopting a parameters resolution authorizing the issuance and sale of its Lease Revenue Bonds in one or more series in an aggregate principal amount not to exceed \$1,100,000 for Public Safety Improvements, including jail upgrades and other business incidental to the foregoing as may come before the Special Meeting.

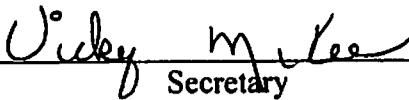
  
Secretary

EXHIBIT A

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended, that on May 5, 2009, the Authority Board (the "Authority Board") of the Municipal Building Authority of Daggett County, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance and sale of the Issuer's Lease Revenue Bonds, Series 2009 (the "Series 2009 Bonds") in an aggregate principal amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000); the Series 2009 Bonds to bear no interest, to mature in not more than thirty-five (35) years from their date or dates, and to be sold at a price not less than 99% percent of the total principal amount thereof, plus accrued interest to the date of delivery.

NOTICE IS FURTHER GIVEN that the Issuer called a public hearing for the purpose of inviting public comment on the proposed issuance of the Series 2009 Bonds and the economic impact that the improvements proposed to be financed with the Series 2009 Bonds will have on the private sector. The public hearing will be held on June 2, 2009, at 9:00 a.m. or as soon thereafter as feasible, at the County Offices located at 95 N. 1<sup>st</sup> W, in Manila, Utah.

The Series 2009 Bonds will be issued pursuant to the Resolution, a Bond Authorizing Resolution and a Master Resolution to be adopted authorizing and confirming the sale of the Series 2009 Bonds (collectively, the "Final Bond Resolutions") for the purposes of (i) financing public safety improvements, including jail upgrades, and related improvements and (ii) paying the costs of issuing the Series 2009 Bonds. As lease revenue bonds, no property taxes will be pledged for repayment of the Series 2009 Bonds.

Drafts of the Final Bond Resolutions in substantially final form were before the Authority Board and were part of the Resolution at the time of its adoption by the Authority Board (collectively, the "Bond Resolutions"). The Final Bond Resolutions are to be adopted by the Authority Board in such form and with such changes thereto as shall be approved by the Authority Board upon the adoption thereof, provided that the principal amount, interest rate or rates, maturity and discount of the Series 2009 Bonds will not exceed the maximums set forth above.

Copies of the Final Bond Resolutions are on file in the office of the Secretary of the Issuer where they may be examined during regular business hours of the Issuer which are 8:00 a.m. to 5:00 p.m. for at least thirty (30) days from and after the last date of publication of this notice.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the last date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Final Bond Resolutions, or the Series 2009 Bonds, or any provision made for the security and

payment of the Series 2009 Bonds by filing a verified written complaint in the County court of the county in which he/she resides, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (ii) registered voters within the Issuer may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters within the Issuer are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Series 2009 Bonds. If fewer than 20% of the registered voters within the Issuer file a written petition during said 30-day period, the Issuer may proceed to issue the Series 2009 Bonds without an election.

DATED: May 5, 2009.

/s/ Vicky McKee  
Secretary

**DAGGETT COUNTY COMMISSION AGENDA**

**Tuesday, May 5, 2009**

**9:00 A.M.**

**Daggett County Courthouse**

**9:00 A.M.**

**STANDING BUSINESS**

1. Welcome-Pledge of Allegiance.
2. Old Business
3. Citizen Comments-15 minutes.
4. Approve Minutes.
5. Approve Vouchers.
6. Correspondence.

**POLICY AND LEGISLATION**

1. Business License(s):
  - a) Wakeless Harbor – Gary Peterson
  - b) DirecTV, Inc
  - c) Moonlake Electric Association
  - d) Bridger Valley Electric
  - e) AT & T
  - f) Questar Pipeline Co.
  - g) Union Telephone
  - h) Boyd Pallesen Dozer
  - i) Brad Lovejoy
  - j) Walter Crick
  - k) Eagle Outdoors
  - l) Dish Network, LLC
  - m) Gorge Rock Products, Inc
  - n) V-1 Propane
2. Building Permit Fee Waiver – Jim & Tammy Archibald
3. 9:45 A.M. Roxie Pallesen – Cow Country Junior Rodeo
4. Shirley Slaugh
  - Code Red
  - Emergency Operational Plan – Promulgation 2009
  - PIO Decision
5. Daggett County/Flaming Gorge Ranger District – Annual Road Maintenance Plan 2009
6. Eastern Utah Television and Technology Association – Memorandum Of Understanding
7. Materials Permit #436 – The State Of Utah School And Institutional Trust Lands Administration – Sand and Gravel Permit
8. Memorandum Of Understanding Between US Forest Service, Ashley National Forest Flaming Gorge Ranger District and Daggett County, Manila, UT – Government Housing
9. 11:00 A.M. – Public Hearing – Grant Application for Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program
10. 09-07 Resolution Calling Public Hearing And Authorizing Notice Of Intent To Issue Bonds In An Amount Not To Exceed \$1,100,000.00 And Related Matters
11. 09-08 Resolution Authorizing The Municipal Building Authority Of Daggett County, Utah To Give Notice Of Public Hearing And Intent To Issue Not More Than \$1,100,000.00 Of Its Lease Revenue Bonds, Series 2009 For Public Safety Improvements, Including Jail Upgrades; Fixing The Maximum Interest Rate, Maturity, And Discount Of The bonds; And Related Matters
12. Town of Manila - Water Connection Fees Paid For Every Building Permit
13. Propane Bid Proposal
14. Census Complete Count Response
15. Letter Of Agreement And Rate Approval For Water From Flaming Gorge Reservoir and Dutch John Culinary System

16. Consideration Of County Employee To Act As An Opinion Poll Collection Officer – Forest Service Travel Management
17. Dutch John Developer/Contractor Project Update and Questions
18. Proposal For Wood Purchase To Use At The Arena Bleachers
19. Tourism Tax Advisory Board Funding Request
20. CIB Planning Grant Application Discussion
- 21.
22. Road Department – Road Grader Proposals
23. Board Reappointment/Resignation
  - Bill Schwartz – Dutch John Advisory Committee
  - Patty Schwartz – Dutch John Advisory Committee
24. Ambulance Billing – Lesa Asay
25. Closed Session

### **COMMITTEE/MAINTENANCE REPORTS**

1. 10:00 a.m.-United States Forest Service
2. Commission Assignment Reports.
3. Justice Court Reports.
4. Dutch John Advisory Board Recommendations.
5. Flaming Gorge Clinic Updates.

**Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Vicky McKee at 95 North 100 West, Manila, Utah 84046, Telephone: 435/784-3154.**

**DAGGETT COUNTY COMMISSION MEETING SCHEDULE  
FOR 2009**

**The Daggett County Commission Meetings for 2009 will be held on the first and third Tuesday of each month at 9:00 A.M. at the Daggett County Courthouse, 95 N. 1<sup>st</sup> W., Manila, Utah. An exception to this is when the Monday before the scheduled meeting is a holiday, then the Commission Meeting will be held on Wednesday. Therefore the second meeting of the month in January will be held on Wednesday, January 21<sup>st</sup> & the second meeting of the month of February will be held on Wednesday, February 18<sup>th</sup>.**

**Vicky McKee  
Daggett County Clerk**

PROOF OF DELIVERY

STATE OF UTAH )  
COUNTY OF DAGGETT )

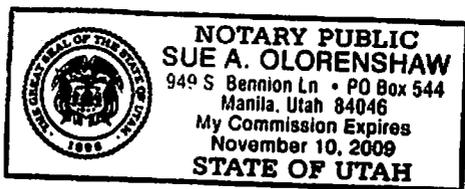
I, **Sheila Williams**, being first fully sworn according to law, upon oath depose and say:

That I am a citizen of the United States of America, over the age of twenty-one years; that on the 1<sup>ST</sup> day of *May*, 2009, I e-mailed a copy of the Commission Agenda for May 5, 2009 to The Vernal Express.

True Copies of the hereunto attached notice.

Sheila Williams

Subscribed and sworn to before me this 13<sup>th</sup> day of May, 2009.



Sue A. Olorenshaw

PROOF OF POSTING AND DELIVERY

STATE OF UTAH )  
COUNTY OF DAGGETT )

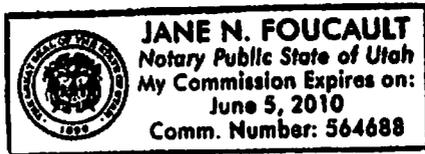
I, **Sheila Williams**, being first fully sworn according to law, upon oath depose and say:  
That I am a citizen of the United States of America, over the age of twenty-one years; that  
on the 1<sup>st</sup> day of *May*, 2009, I posted in *six* public and conspicuous places in Daggett  
County, State of Utah, to-wit:

- Manila Post Office*
- Daggett County Courthouse*
- Dutch John Post Office*
- Flaming Gorge Resort*
- Red Canyon Lodge*
- Trout Creek Flies, Inc.*
- Collett's Mountain Resorts*

True Copies of the hereunto attached notice.

Sheila Williams

Subscribed and sworn to before me this 10 day of May, 2009.



Jane N. Foucault