

Daggett County, Utah

May 1, 2007

A regular meeting of the Board of County Commissioners (the "Board") of Daggett County, Utah (the "County"), was held on May 1, 2007, at the hour of 9:00 a.m., at the regular meeting place of said Board, at which meeting there were present and answering roll call the following members who constituted a quorum:

Stewart Leith	Commission Chair
Floyd Briggs	Commissioner
Henry J. Gutz	Commissioner

Also present:

Vicky McKee	County Clerk/Treasurer
Bryan Sidwell	County Attorney

Absent:

After the meeting had been duly called to order, and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this May 1, 2007, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form and after full discussion of the matter, pursuant to motion made by Board Member Hank Gutz and seconded by Board Member Floyd Briggs, was adopted by the following vote:

AYE: Floyd Briggs
Henry Gutz
Stewart Leith

NAY:

RESOLUTION NO. 07-09

A RESOLUTION RESCINDING RESOLUTION 07-08 ADOPTED ON APRIL 3, 2007, REAFFIRMING THE CREATION OF DAGGETT COUNTY ROAD AND TRANSPORTATION SPECIAL SERVICE DISTRICT, EXPANDING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN; PROVIDING FOR A HEARING REGARDING THE REAFFIRMATION AND EXPANSION OF SAID SPECIAL SERVICE DISTRICT; PROVIDING FOR NOTICE OF SAID HEARING; AND RELATED MATTERS.

WHEREAS, after giving proper notice and holding a hearing as required by law on October 3, 1988, the Board of Commissioners (the "Board") of Daggett County, Utah (the "County"), created the Daggett County Road and Transportation Special Service District (the "District"), the Board having found that the public health, convenience, and necessity required the establishment of a District pursuant to the provisions of the Utah Special Service District Act, Title 17A, chapter 2, Part 13, Utah code Annotated, 1953, as amended, (the "Act") and Article XI, Section 7 of the constitution of Utah for the purposes of providing construction, repair, and maintenance of roads within the boundaries of the District; and

WHEREAS, none of the area contained within the boundaries of the District was also within the boundaries of any other special service district established by the County to construct, repair and maintain roads, not was the area within any other district presently providing similar services; and

WHEREAS, the Board desires to revise the name of the District in compliance with the requirements of State law and to amend the boundaries of the District to include the area within the Town of Manila, and on December 28, 2006, held a hearing regarding the boundaries of the District; and

WHEREAS, on April 3, 2007, the Board adopted Resolution 07-08 to repeal all Resolutions establishing or creating a Daggett County Road and Transportation Special Service District and to create a new Road and Transportation Special Service District called the Flaming Gorge Road and Transportation Special Service District to include all area within the boundaries of the Town of Manila; and

WHEREAS, legal requirements for the dissolution of the Daggett County Road and Transportation Special Service District were not complied with; and

WHEREAS, it was not the desire or intent of the Board to dissolve or attempt to dissolve the Daggett County Road and Transportation Special Service District, but rather to change the name and expand the boundaries of the service area; and

WHEREAS, dissolution of the existing Road and Transportation Special Service District would be detrimental to and would damage the interests of the County and of the residents of Daggett County; and

WHEREAS, it has come to the attention of the Board that certain requirements regarding the expansion of the boundaries of the District were not complied with, and the Board now desires to comply with said requirements; and

WHEREAS, the Board desires to rescind Resolution 07-08 adopted April 3, 2007, and to declare said Resolution void ab initio and reinstate the District and the governing authority of the special service district as it existed prior to April 3, 2007; and

WHEREAS, it is proposed to include the Town of Manila (“Manila”) within the boundaries of the District; and

WHEREAS, pursuant to Section 17A-2-1306 of the Act, before Manila can be included within the District, the Town council of Manila must consent to its inclusion within the District; and

WHEREAS, the Board now desires to adopt this resolution to revise the name of the District and expand the boundaries of the District and to establish a protest hearing date with respect thereto:

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

Section 1 The Board hereby rescinds Resolution 07-08 adopted April 3, 2007, and declares said Resolution void ab initio and hereby reinstates the District as it existed prior to April 3, 2007, and reinstates the governing authority of said district as it existed prior to April 3, 2007.

Section 2. The Board desires to revise the name of the District to The Flaming gorge Road and Transportation Special Service District. In addition, the Board finds that the public health, convenience, and necessity require the expansion of the boundaries of the District in compliance with the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah.

Section 3. The proposed revised boundaries are set forth in the Notice of Hearing in Section 8 hereof.

Section 4. The District has been created for the purpose of constructing, repairing, and maintaining roads within its revised boundaries through the construction, purchase, gift, condemnation or any combination thereof of the facilities or systems necessary to provide said services. The Board reaffirms the purpose of the creation of the District.

Section 5. The District shall be known as “The Flaming Gorge Road and Transportation Special Service District”.

Section 6. A public hearing on the question of the revision of the name of the District and the expansion of its boundaries shall be held by the Board in Daggett County, Utah at 11:00 a.m. on June 5, 2007, at which time and place all interested parties may appear and be heard either in support of or in opposition to the revision of the name of the District and the expansion of its

Boundaries as more fully described in the Notice of Intention set forth in Section 8 hereof.

Section 7. A Notice of the Intention to revise the name of the District and to expand the boundaries thereof 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 Vernal Express, a newspaper having general circulation in Daggett county.

Section 8. The notice of Intention to be published shall be in substantially the follow form:

NOTICE OF INTENTIUNON TO REVISE THE NAME OF THE DAGGETT
COUNTY ROAD AND TRANSPORTATION SPECIAL SERVICE
DISTRICT AND TO EXPAND ITS BOUNDARIES

NOTICE IS HEREBY GIVEN THAT on May 1, 2007, the board of county Commissioners (the "Board") of Daggett County, Utah (the "County"), adopted a Resolution, declaring its intent to revise the name of the Daggett County Road and Transportation Special Service District and to expand the boundaries of said District.

The Resolution also provides for a public hearing on the revision of the name of the District and the expansion of the boundaries of the District, to be held at 95 North 1st West, Manila, Utah, at 11:00 A.M. on Tuesday, June 5, 2007.

DESCRIPTION OF THE PROPOSED DISTRICT

The boundaries of the District be expanded to include the area within the boundaries of the Town of Manila such that the boundaries of the District shall be coterminous with the Boundaries of Daggett County, Utah.

SERVICES

The District will continue to be authorized to construct, repair, and maintain roads within the boundaries of the District.

METHOD OF FINANCING

Pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and article XI, Section 7 of the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part of the services to be provided by the District. It may also annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of roads, provided, however, that said levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

PUBLIC HEARING ON PROPOSED REVISION OF THE NAME OF THE DISTRICT
AND THE EXPANSION OF THE BOUNDARIES OF THE DISTRICT

The Board will hold a public hearing on the proposed revision of the name of the District and the expansion of the boundaries of the District and the furnishing of road services therein at 11:00 a.m. on June 5, 2007. Any interested person may protest the expansion of the boundaries and revision of the name of the District or the furnishing of services therein either orally at the hearing or in writing, at or at any time prior to the hearing, or within 15 days of the conclusion of the hearing. Written protests must be filed with the County Clerk, and may be withdrawn by the protestant within 30 days after the conclusion of the hearing.

Any protest signed on behalf of a corporation owning property in the District shall be sufficient if it is signed by the president, vice president, or any duly authorized agent of the corporation. Where title to any property is held in the name of more than one person, all of the persons holding title to the property must join in the signing of the protest.

At said public hearing, the Board will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. The Board may continue the hearing to another date and time if necessary. After conclusion of the hearing, and after the time for filing protests has expired, the Board shall adopt a resolution either revising the name of the District and expanding the boundaries of the District or determining that expansion of the boundaries of the District should be abandoned. The resolution may contain changes from the initial resolution or notice of intention including reduction of the boundaries of the District or elimination of one or more of the types of services proposed.

If, within fifteen (15) days after the conclusion of the hearing, over fifty percent (50%) of the qualified voters of the territory proposed to be included within the District or the owners of over 50% of the assessed value (taxable market value) of the taxable property included within the District file written protest against the expansion of the boundaries of the District with the County Clerk, the Board is required by law to abandon the proposed expansion of the boundaries of the District.

Any person who (i) filed a written protest and (ii) is a qualified voter residing within the District or a qualified voter whose property has been included within the District, may, within thirty (30) days after the adoption of the Resolution expanding the boundaries of the District, apply to the District Court of the [Eighth] Judicial District for a writ of review of the actions of the County in expanding the boundaries of the District, only upon the grounds, however, that his property will not be benefited by one or more of the services authorized to be furnished by the District or that the proceedings taken in the establishment of the District have not been in compliance with the law.

A FAILURE TO APPLY FOR SUCH WRIT OF REVIEW WITHIN THE PRESCRIBED TIME SHALL FORECLOSE ALL OWNERS OF PROPERTY WITHIN THE DISTRICT FROM THE RIGHT FURTHER TO OBJECT THERETO.

Adopted by the Board of Commissioners of Daggett County, this May 1, 2007.

(S E A L)

By: s/s Stewart Leith
County Commissioner

ATTEST:

By: s/s Vicky McKee
County Clerk

Published in the Vernal Express on May 9, 16, and 23, 2007.

Section 9. The officers of the County are hereby authorized and directed to deliver a certified copy of this resolution to Manila for its approval, and take all other 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 affect, 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 Daggett 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.

By: s/s Stewart Leith
County commissioner

(S E A L)

ATTEST:

By: s/s Vicky McKee
County Clerk

(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.

By: s/s Stewart Leith
County Commissioner

(S E A L)

ATTEST:

By: s/s Vicky McKee
County Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Vicky McKee, the undersigned County Clerk of Daggett County, Utah (the "County"), do hereby certify, according to the records of the County 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 twenty-four (24) hours public notice of the agenda, date, time, and place of the May 1, 2007, public hearing held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices on April 27, 2007, 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; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Vernal Express on April 27, 2007, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 1, 2007.

By: s/s Vicky McKee
County Clerk

(S E A L)

DAGGETT COUNTY COMMISSION AGENDA

Tuesday, May 1, 2007

9:00 A.M.

Daggett County Courthouse

AGENDA

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. Chad Jaques
 - B. Charles Card
 - C. James M. McGaughey
 - D. Sav on Propane
 - E. Lamalytics, LLC
 - F. Bret Carlson
 - G. Shirley Card
 - H. Bill Luetke
 - I. Mark Lance
2. 9:30 A.M.-Randy Johnson-UAC-Rural Management Plan.
3. Bryan Sidwell, County Attorney-
 - A. John Martineau-Summary of State's Review of Jail.
 - B. Proposed Changes to Ordinance 06-11 AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS AND POLICIES AND PROCEDURES FOR THE USE OF DAGGETT COUNTY PARKS AND FACILITIES.
4. Russ Pearsons-2007-08 Court Contract.
5. Civil Science Billing for Brown's Park road.
6. Shirley Slaugh-Emergency Services and State MOU
7. CONSIDERATION FOR ADOPTION OF A RESOLUTION RESCINDING RESOLUTION 07-08 ADOPTED ON APRIL 3, 2007, REAFFIRMING THE CREATION OF DAGGETT COUNTY ROAD AND TRANSPORTATION SPECIAL SERVICE DISTRICT, EXPANDING THE BOUNDARIES OF SAID SPECIAL SERVICE DISTRICT AND THE SERVICES TO BE PROVIDED THEREIN; PROVIDING FOR A HEARING REGARDING THE REAFFIRMATION AND EXPANSION OF SAID SPECIAL SERVICE DISTRICT; PROVIDING FOR NOTICE OF SAID HEARING; AND RELATED MATTERS.
8. Request for Commission Abatement – CCB-06 & CCB-07.
9. Judge Appointment for Daggett county Justice Court-Dutch John Precinct.
10. New Road Position Employee.
11. Order of the State Engineer on Extension of Time Request for Application to Appropriate Water Number 41-3470(A30414b).
12. Approval of Letter of Agreement Between Daggett County Jail and Utah Department of Transportation, Region Three.
13. Dutch John Storage Units-Ron Campbell Correspondence.
14. Manila Airport Project.
15. Closed Session If Needed.

COMMITTEE/MAINTENANCE REPORTS

1. 10:00 A.M.-United States Forest Service.
2. Commissioner Assignments Reports.
3. Justice Court Reports.

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.

SCHEDULE 1

NOTICE OF MEETING