

STATE OF UTAH



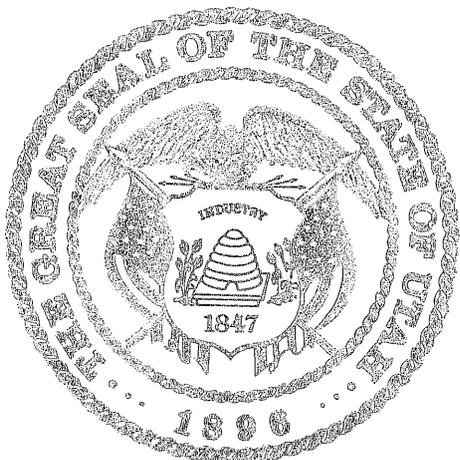
OFFICE OF THE LIEUTENANT GOVERNOR

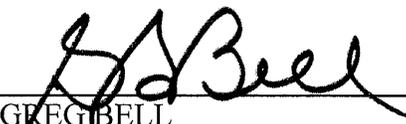
CERTIFICATE OF CREATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,  
HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the  
BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT, dated September  
1<sup>st</sup>, 2011, complying with Section 17D-1-209, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the  
attached is a true and correct copy of the notice of creation, referred to above, on file with  
the Office of the Lieutenant Governor pertaining to the BIG PLAINS WATER AND  
SEWER SPECIAL SERVICE DISTRICT, located in Washington County, State of Utah.

IN TESTIMONY WHEREOF, I  
have hereunto set my hand and  
affixed the Great Seal of the State of  
Utah at Salt Lake City, this 3<sup>rd</sup> day of  
October, 2011.



  
\_\_\_\_\_  
GREG BELL  
Lieutenant Governor



## RESOLUTION NO. 2011-25

**A RESOLUTION OF APPLE VALLEY TOWN, WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN APPLE VALLEY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE DISTRICT, AUTHORIZING AND SPECIFYING THE SERVICES TO BE PROVIDED, SETTING FORTH THE POWERS, DUTIES AND AUTHORITY, DESIGNATING AND APPOINTING THE GOVERNING AUTHORITY, PROVIDING FOR THE METHOD OR METHODS OF PAYMENTS FOR THE SERVICES TO BE FURNISHED AND PRESCRIBING OTHER MATTERS AND DETAIL RELATING TO THE ESTABLISHMENT, OPERATIONS AND FUNCTIONS THEREOF.**

WHEREAS, the Apple Valley Town Council ("Council") has determined, pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq.* (1953, as amended) (the "Act"), that the public health, convenience, and necessity require the establishment of a Special Service District ("District") to provide water and sewerage services within a boundary comprised of the boundaries of the municipality of Apple Valley Town,; and

WHEREAS, all of the property, residents, businesses and inhabitants within the boundary of the District will be benefitted by the establishment of the District to provide water and sewerage services, which services shall be paid for only by the residents, businesses and inhabitants within the boundary of the District; and

WHEREAS, to accomplish the foregoing purpose, the Council has initiated, by Resolution No. 2011-11, approved and passed on April 21, 2011, the statutory process to create a special service district within the boundary of the District; and

WHEREAS, in accordance with the Resolution passed on April 21, 2011, and the Act, the Council gave public notice of its intention to establish the District and it called and held a public hearing on July 14, 2011, on the proposal to establish the District, at which public hearing, the Council permitted all interested persons to be heard and received all oral and written comments and protests submitted at that time; and

WHEREAS, subsequent to said public hearing and within the protest period provided by law, the Council did not receive "adequate protests," as defined in Utah Code Annotated § 17D-1-102, against the establishment of the District or against the specified type or types of services to be furnished by the District; and

WHEREAS, the Council has duly considered all protests received and does hereby determine that there are insufficient protests received to prohibit the creation of the District; and

WHEREAS, the Council has taken all actions and accomplished all matters required and necessary which are preliminary to the creation of a special service district and, accordingly, does hereby determine that the District should be created in accordance with this Resolution and the Act.

NOW, THEREFORE, at a regular meeting of the Town Council of Apple Valley Town, duly called, noticed, and held on the 1<sup>st</sup> day of September, 2011, upon motion duly made and seconded, BE IT HEREBY RESOLVED as follows:

Section 1. There is hereby created and established in Apple Valley Town, Washington County, State of Utah, a special service district, the area of which is described in Section 4 below.

Section 2. The name of the District created hereby is and shall be hereafter known as the "Big Plains Water and Sewer Special Service District," referred to in this Resolution as "District."

Section 3. The District shall have and exercise through its proper officers all of the rights, powers and authority conferred upon special service districts by and included in the Act and as otherwise provided by law for the purposes as herein provided.

Section 4. The boundary and service area of the District shall include the municipal boundaries of Apple Valley Town, Washington County, State of Utah, as the boundaries of such municipality exist and are recorded on the effective date of this Resolution (see the attached map of the District area boundary).

Section 5. The District is hereby empowered to and shall have the authority to provide for or furnish any or all water and sewerage services within the territory of the District to the extent they are deemed necessary or desirable by the District. The foregoing services and functions may be provided through facilities, systems or property acquired for that purpose through construction, purchase, lease, rental, gift or condemnation, or any combination of the foregoing means, or by any other means available to special service districts as provided by law.

Section 6. The District shall be administered by an Administrative Control Board ("Board") which is hereby delegated the power to act as the governing authority of the District and shall have and it is hereby vested with all of the powers, duties and responsibilities conferred upon such governing authority by the Act, and all laws amendatory and supplemental thereof, and implemented by this Resolution.

Section 7. The membership of the Board shall consist of five (5) members as follows: the Mayor of Apple Valley; one elected official from Apple Valley, who shall be appointed by the Mayor of Apple Valley, and; three Board members who are registered voters within the boundary of the District, who shall be appointed by the Mayor of Apple Valley.

The board members shall serve for terms of four (4) years. However, two of the Board members initially appointed from the registered voters of Apple Valley shall serve terms of two (2) years, with those appointed to such positions thereafter serving terms of four (4) years.

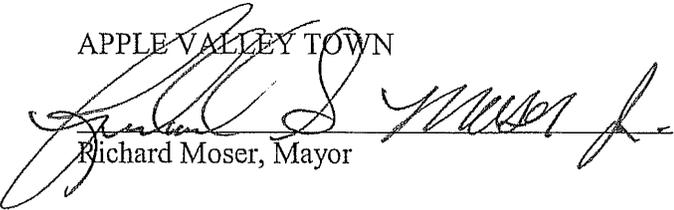
Vacancies on the Board shall be filled in the same manner as for the original appointment. Persons appointed to fill such vacancies shall serve for the balance of the unexpired term of the member whose vacancy is filled.

Section 8. Any service or function of the systems, properties and facilities related to those services as specified in this Resolution provided by the District shall be paid for the imposition and collection of fees, charges, tax levy and/or other method, in accordance with the Act. The Board shall have the authority to adopt such rules and procedures as are necessary or required to assure the proper functioning of the Board, the proper operation of the District, provide for collection and enforcement of all fees, charges and/or taxes imposed as provided by the Act, and comply with all applicable law.

Voted upon and passed by the Apple Valley Town Council at a regular meeting held on the 1<sup>st</sup> day of September, 2011, by the following vote:

<u>MEMBER</u>	<u>AYE</u>	<u>NO</u>
Mayor Richard Moser	<i>yes</i>	_____
Councilperson Trevor Black	<i>yes</i>	_____
Councilperson Evan Brown	<i>yes</i>	_____
Councilperson Dale Kingsley	<i>yes</i>	_____
Councilperson Kevin Sair	<i>ABSENT</i>	_____

APPLE VALLEY TOWN

  
Richard Moser, Mayor

ATTEST:

  
Nathan Bronemann  
Town Recorder

