

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the DIAMOND VALLEY FIRE SPECIAL SERVICE DISTRICT, dated August 16th, 2016, 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 DIAMOND VALLEY FIRE 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 this 7th day of December, 2016 at Salt Lake City, Utah.



A handwritten signature in cursive script, reading "Spencer J. Cox".

SPENCER J. COX
Lieutenant Governor



ALAN GARDNER, COMMISSION CHAIR | VICTOR IVERSON, COMMISSIONER | ZACHARY RENSTROM, COMMISSIONER

September 30, 2016

Lt. Governor Spencer Cox
Utah State Capitol Complex
PO Box 142325
Salt Lake City, UT 84114-2220

Re: Notice of Impending Boundary Action
Establishment of the Diamond Valley Fire Special Service District

Dear Lt. Governor Cox:

Pursuant to Utah Code Annotated, § 17D-1-209 (1953, as amended), notice is hereby filed that on August 16, 2016 the Washington County Commission passed Resolution R-2016-2075, which established the Diamond Valley Fire Special Service District. Enclosed you will find a copy of the Resolution, and an approved final local entity plat showing the boundaries of the special service district in accordance with Utah Code Annotated, § 17D-1-209 (1) (a) (ii) (1953, as amended).

I hereby certify that all requirements for the establishment of a special service district have been complied with.

Please let me know if you have any concerns or require additional information.

Very truly yours,

WASHINGTON COUNTY COMMISSION


Alan Gardner
Chair

Enclosure

RESOLUTION NO. R-2016-2075

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

WHEREAS, the Washington County Commission ("Commission") has determined that the public health, convenience, and necessity require the establishment of a Special Service District to be named the Diamond Valley Fire Special Service District ("the District") authorized to provide fire protection, paramedic services, and ambulance services within the boundary that is set forth and described on the map attached hereto as Exhibit "A", which is an unincorporated area within Washington County pursuant to the provisions of Article XIV, Section 8 of the Utah Constitution and the Utah Special Service District Act located at Utah Code Annotated, § 17D-1-101, *et seq.* (1953, as amended) (the "Act"); and

WHEREAS, all of the property, residents, businesses and inhabitants within the boundary of the District will be benefited by the establishment of the District authorized to provide fire protection, paramedic services, and ambulance 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 Commission has initiated, by Resolution No. R-2016-2032, approved and passed on the 3rd day of May 2016, the statutory process to create a special service district within the boundary of the District; and

WHEREAS, in accordance with the Resolution passed on May 3, 2016, and the Act, the Commission gave public notice of its intention to establish the District and it called and held a public hearing on June 15, 2016, on the proposal to establish the District, at which public hearing, the Commission permitted all interested persons to be heard and received all oral and written comments and protests submitted at that time; and

WHEREAS, every person who spoke at the June 15, 2016 public hearing was in favor of creating the District, and no one spoke against the creation of the Diamond Valley Special Service District; and

WHEREAS, within the protest period provided by law, the Commission did not receive any written protests against the establishment of the District or against the specified type or types of services to be furnished by the District; and

WHEREAS, there are insufficient protests received to prohibit by law the creation of the District; and

WHEREAS, the Commission 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 shall be created in accordance with this Resolution and the Act.

NOW, THEREFORE, at a regular meeting of the legislative body of Washington County, Utah, duly called, noticed, and held on the 16th day of August 2016, upon motion duly made and seconded, it is unanimously resolved as follows:

Section 1. There is hereby created and established in Washington County, State of Utah, a special service district, the area of which is described in Section 4 below. The District is ordered and declared duly formed, organized and established under and by virtue of the provisions of the Act and shall be a separate body corporate and politic and a quasi-municipal public corporation of the State of Utah;

Section 2. The name of the District created hereby is and shall be hereafter known as the "Diamond Valley Fire Special Service District";

Section 3. The area described in Section 4 below will continue to receive services from Southwestern Special Service District until December 31, 2016. Beginning January 1, 2017, the District will begin providing services as described above;

Section 4. 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 5. The boundary and service area of the District is set forth and described on the map attached hereto as Exhibit "A", which is unincorporated area within Washington County

Section 6. The District is hereby empowered to and shall have the authority to provide for or furnish any or all fire protection, paramedic services, and ambulance services within the territory of the District as and to the extent they are deemed necessary or desirable by the governing body thereof. 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 7. The District shall be administered by an Administrative Control Board which is, once appointed, is delegated, without limitation, 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 8. The membership of the Administrative Control Board of the District shall consist of five (5) members who are registered voters residing within the boundary of the

District.


Initially, the board members shall be appointed by the Washington County Commission. However, after the initial appointments the board members shall be elected by the registered voters residing within the boundary of the District. Mid-term vacancies shall be filled by the board in accordance with state law.

The board members shall serve for terms of four (4) years. However, two (2) of the initial board members' terms shall expire on December 31, 2018, and three (3) of the board members' terms shall expire on December 31, 2020. Lots shall be drawn to determine the length of term of the five (5) members.


Section 9. 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 by the imposition and collection of fees, charges and/or tax levy in accordance with the Act. The Board shall have the authority to adopt such rules and regulations as are necessary to assure the proper collection and enforcement of all fees, charges and/or taxes imposed as provided by the Act.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE 16th DAY OF AUGUST 2016.

WASHINGTON COUNTY


ALAN GARDNER, Chair
Washington County Commission

ATTEST:

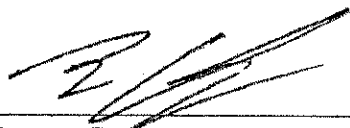

Kim M. Hafen
Washington County Clerk-Auditor

Commissioner Gardner voted Aye
Commissioner Renstrom voted Aye
Commissioner Iverson voted Aye

Approved as to form

RESOLUTION NO. R-2016-2075

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A handwritten signature in black ink, consisting of several stylized, overlapping strokes that are difficult to decipher as specific letters.

Deputy County Attorney



Proposed Diamond Valley Fire Special Service District Boundary

Legend

- Proposed Diamond Valley Fire SSD Ownership
- U.S. Forest Service
- Bureau of Land Management
- State of Utah
- Wilderness Area
- State Park
- Washington County
- Utah Division of Transportation
- Municipally Owned
- School District
- Utah Division of Wildlife Resources

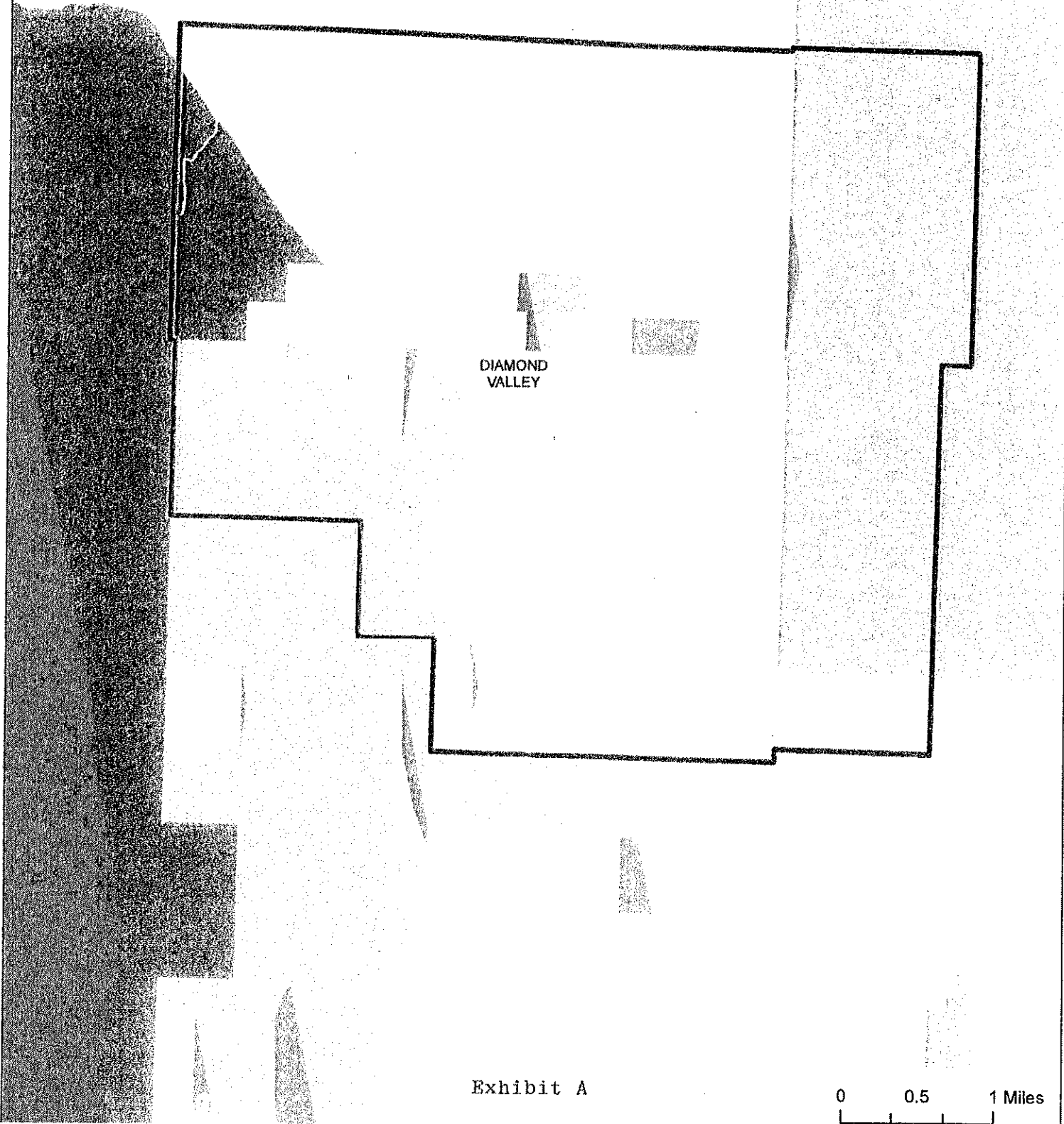


Exhibit A

0 0.5 1 Miles

Utah Retirement Systems

Retirement Office

560 East 200 South
Salt Lake City, UT 84102-2021

(801) 366-7700
(800) 366-8772 Toll Free
(801) 366-7734 Fax
www.urs.org

DANIEL D. ANDERSEN
Executive Director

Public Employees Health Program

560 East 200 South
Salt Lake City, UT 84102-2004

(801) 366-7500
(800) 366-8772 Toll Free
(801) 366-7596 Fax
www.pehp.org

R. CHET LOFTIS
Director

November 8, 2016

Diamond Valley Fire Special Service District
ATTN: Brent Thesbald
1651 West Diamond Valley Drive
Diamond Valley, UT 84770

Re: Eligibility for Participation of a Newly Created Entity in the Utah State Retirement Systems

Dear Chief Thesbald:

When a governmental entity is being incorporated or created, Utah law requires the Utah State Retirement Office ("Office") to provide a letter to that entity identifying the potential provisions under Utah Code Title 49, Utah State Retirement and Insurance Benefit Act ("Retirement Act"), with which it shall comply. *See* Utah Code Ann. § 67-1a-6.5(3)(d). This letter serves as the official notice for the Diamond Valley Fire Special Service District ("Service District"), a newly created Special Service District.

Based upon the information provided, the Office has determined that the Service District is also an "employer" under the Retirement Act as a political subdivision of the state by virtue of its status as a Special Service District. Accordingly, the Service District is eligible and must comply with the participation requirements of the Retirement Act.

This does not mean that the Service District must provide retirement benefits to its employees. However, at the present time and throughout the future, the **Service District is required by law to participate with URS if and when it offers any type of retirement benefit to its employees.**

Once the Service District begins participation with URS, its public employees will be covered under either the Tier I or Tier II public employee retirement systems, and firefighter service employees will be covered under the separate Tier I or Tier II systems for firefighter service employees, as described in the Retirement Act.

In addition, Participating Employers of URS are required by section 49-11-606 to "cover

all employees eligible for service credit under this title.” As such, once admitted as a participating employer, the Service District will be required to cover all eligible employees, pursuant to the eligibility rules found in the Retirement Act.

Please note that the above-referenced laws are those used to determine eligibility for participation, and are not the only laws with which a participating employer must comply. Participating employers are required to “inform themselves of their rights and obligations” under Title 49 and should become familiar with all provisions of the Retirement Act. At any time, URS would be happy to provide additional education about the requirements with which the Service Area must comply as a participating employer.

Additionally, please be aware that should the Service Area fail to cover all of its employees or otherwise comply with participation requirements, the Service Area’s employees may have a claim against it for service credit under the Retirement Act, which the Office is required to enforce. Under the Retirement Act, such a claim would include all past employer contributions, interest, and in some cases, penalties. *See Utah Code Ann. § 49-11-601(3).*

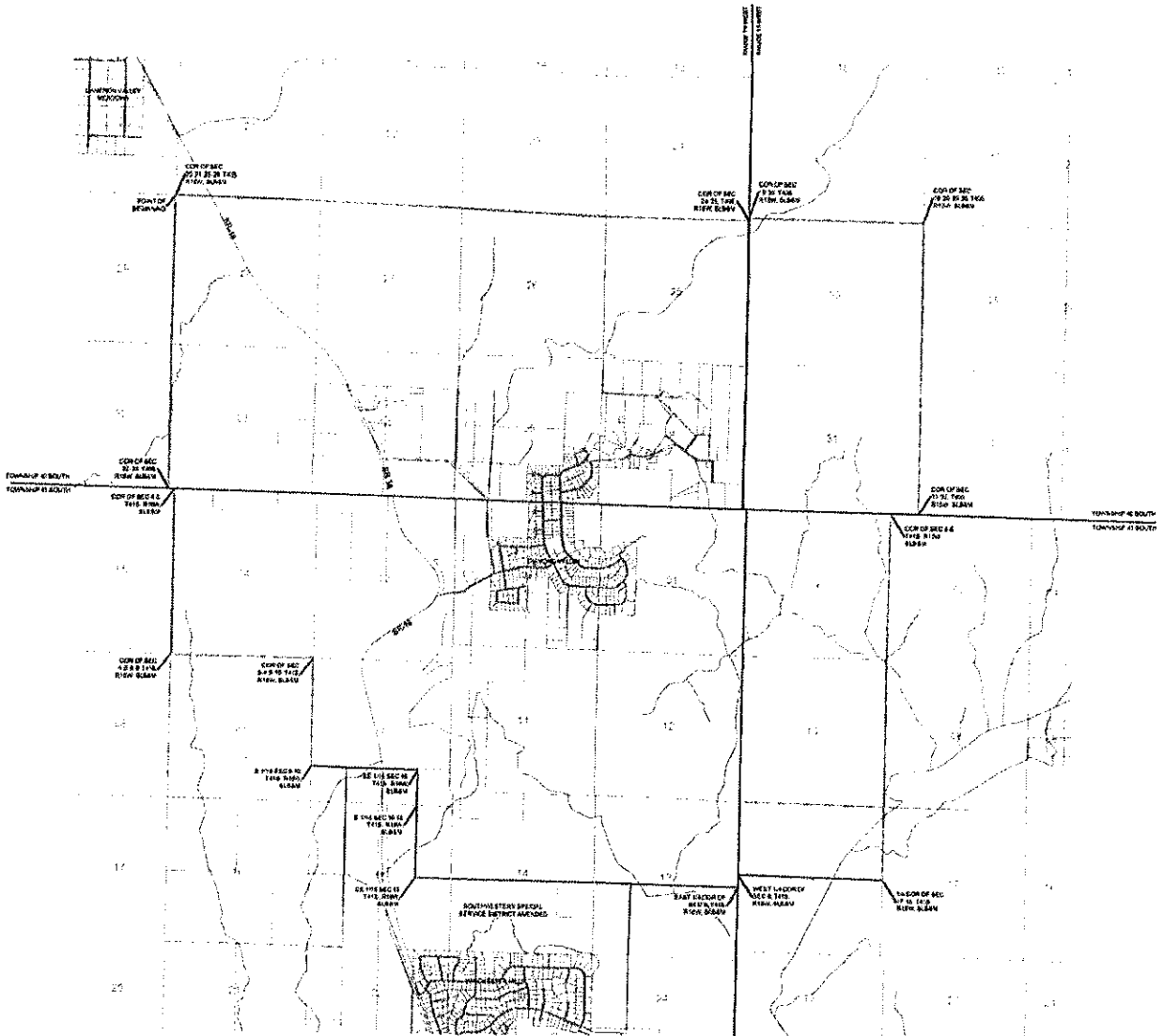
Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew K. Judd". The signature is fluid and cursive, with the first name being the most prominent.

Matthew K. Judd
Records Management Director
Utah State Retirement Office

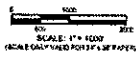
DIAMOND VALLEY FIRE SPECIAL SERVICE DISTRICT



BOUNDARY DESCRIPTION

Beginning at the Northwest corner of Section 26, Township 40 South, Range 16 West, Salt Lake Base and Meridian and thence North East along the Section line of Sections 26, 27, 28, and 29 to the Northwest corner of Section 25, said point being on the Range line between Range 16 West and Range 15 West thence North along the Range line to the Northwest corner of Section 20, Township 40 South, Range 15 West, Salt Lake Base and Meridian thence East along the Range line of Section 20 to the Northwest corner of Section 36, thence South along the East Section line of Sections 20 and 21 to the Southeast corner of Section 31, said point being on the South line of Township 40 South, Range 15 West thence West along the South Township line to the Northwest corner of Section 6, Township 41 South, Range 16 West, thence South along the East line of Sections 6, 7, 18 to the East 1/4 corner of Section 18, thence West along the Center Section line to the West 1/4 corner of Section 18 and a point on the Range line between Range 15 West and Range 16 West thence South along said Range line to the East 1/4 corner of Section 18, Township 40 South, Range 15 West, thence 396' along the Center Section line through Sections 19 and 18, thence West along the Center Section line of Section 18 to the Center East 1/4 corner, thence North along the East 1/4 line to the North line of Section 15, thence North along the 1/4 line to the South East 1/4 corner of Section 10, thence West along the 1/4 line to the West Section line of Section 10, thence North along the Section line to the Southwest corner of Section 4, thence West along the South line of Section 4 to the Southwest corner of Section 4, thence North along the West line of Section 4 to a point on the Township line between Township 40 South and Township 41 South thence West along the Township line to the Southwest corner of Section 53, Township 40 South, Range 15 West, thence North along the West Section line of Section 33 and 28 to the point of beginning

Less and excepting any State and Federal land.



NOTE

THIS PLAT IS FOR THE RELATION OF THE DIAMOND VALLEY FIRE SPECIAL SERVICE DISTRICT.

COUNTY SURVEYOR CERTIFICATE OF APPROVAL

THIS MAP HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE WITH THIS OFFICE THIS ... DAY OF ...

WASHINGTON COUNTY SURVEYOR

APPROVAL AND ACCEPTANCE BY WASHINGTON COUNTY

WE, THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED AND IS HEREBY ORDERED FOR RECORD IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER ON THIS ... DAY OF ... A.D. 20...

WASHINGTON COUNTY PROFESSIONAL LAND SURVEYOR

No. 9481170

TRAVIS W. DAVIS, P.L.S. 1000

UTAH LICENSE # 1000000000

DATE: SEP 29 2010

STATE OF UTAH

WASHINGTON COUNTY RECORDER

DIAMOND VALLEY FIRE SPECIAL SERVICE DISTRICT,
LOCAL ENTITY PLAT
LOCATED IN
PORTIONS TOWNSHIPS 40-41 SOUTH,
RANGE 15-16 WEST, SALT LAKE BASE & MERIDIAN

CIVIL SCIENCE

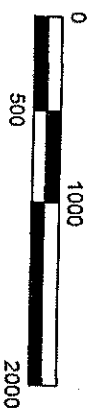
INFRASTRUCTURE, INC.
1153 S. GORG DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.965.0100

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BOUNDARY DESCRIPTION

Beginning at the Northwest corner of Section 28, Township 40 South, Range 16 West, Salt Lake Base and Meridian and running: thence East along the Section lines of Sections 28, 27, 26, and 25 to the Northeast corner of Section 25, said point being on the Range line between Range 16 West and Range 15 West; thence North along the Range line to the Northwest corner of Section 30, Township 40 South, Range 15 West, Salt Lake Base and Meridian; thence East along the North line of Section 30 to the Northeast corner of Section 30; thence South along the East Section line of Sections 30 and 31 to the Southeast corner of Section 31, said point being on the South line of Township 40 South, Range 15 West; thence West along the South Township line to the Northeast corner of Section 6, Township 41 South, Range 15 West; thence South along the East line of Sections 6, 7, 18 to the East 1/4 corner of Section 18; thence West along the Center Section line to the West 1/4 corner of Section 18 and a point on the Range line between Range 15 West and Range 16 West; thence South along said Range line to the East 1/4 corner of Section 13, Township 40 South, Range 16 West; thence West along the Center Section lines through Sections 13 and 14; thence West along the Center Section line of Section 15 to the Center East 1/16 corner; thence North along the East 1/16 line to the North line of Section 15; thence North along the 1/16 line to the South East 1/16 Corner of Section 10; thence West along the 1/16 line to the West Section line of Section 10; thence North along the Section line to the Southeast corner of Section 4; thence West along the South line of Section 4 to the Southwest corner of Section 4; thence North along the West line of Section 4 to a point on the Township line between Township 40 South and Township 41 South; thence West along the Township line to the Southwest corner of Section 33, Township 40 South, Range 16 West; thence North along the West Section lines of Section 33 and 28 to the point of beginning.

Less and excepting any State and Federal land.



SCALE: 1" = 1000'
(SCALE ONLY VALID FOR 24" x 36" PAPER)