

**TOOELE COUNTY, UTAH
BOARD OF COUNTY COMMISSIONERS
RESOLUTION PROPOSING SPECIAL SERVICE DISTRICT
February 17, 2009**

RESOLUTION 2009-02

A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE TOOELE COUNTY TRANSPORTATION SPECIAL SERVICE DISTRICT, TOOELE COUNTY, UTAH, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF AND RELATED MATTERS

WHEREAS, the Board of County Commissioners of Tooele County, Utah has determined that the public health, convenience, and necessity require the establishment of the Tooele County Transportation Special Service District, Tooele County, Utah (the "District") to provide for the construction, repair, and maintenance of roads within the proposed District's boundaries, pursuant to the provisions of Article XIV, Section 8 of the Utah Constitution and Section 17D-1-201, *et seq.* (the "Act"); and

WHEREAS, all of the property to be included in the District will be benefitted by said District and its provision of the proposed services.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Tooele County, Utah as follows:

1. The public health, convenience, and necessity require the establishment of a special service district.
2. The name of this special service district shall be the Tooele County Transportation Special Service District, Tooele County, Utah.
3. The boundaries and service area of the District shall include unincorporated portions of Tooele County, Utah, and more particularly described as follows:

All of Tooele County, Utah as follows:

BEGINNING at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41 degrees north and a point on the east shore of said lake due West of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort; thence Southwesterly along said line to the west shore of said Lake; thence West to the western boundary of the state; thence South to the second standard parallel south; thence East to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele valleys to the northern end of said summit; thence Northeasterly

on a straight line through Black Rock on the shore of Great Salt Lake to the POINT OF BEGINNING.

Excepting Therefrom all territory within the corporate boundaries of all cities and towns, namely Tooele City, Grantsville City, Stockton City, Wendover City, Town of Rush Valley, Town of Vernon, and the Town of Ophir, located within said Tooele County.

4. The services to be provided by the District shall be transportation.

5. The Board of County Commissioners of Tooele County, Utah shall hold a public hearing on the proposed creation of the District on March 17, 2009, at 3:00 p.m., at 47 South Main, Tooele, Utah.

6. The Board of County Commissioners directs the County Clerk to cause to be prepared and published the notice of intention in substantially the form attached hereto as Exhibit A, to establish a special service district and call the aforementioned public hearing, which notice shall be published once each week during three consecutive weeks with the first publication being not less than 21 days nor more than 35 days before the public hearing, in accordance with the terms of the Act and it direct the County Clerk to also complete the record of proceedings attached as Exhibit B.

ADOPTED, APPROVED, and ORDERED by majority vote at a duly called meeting of the Board of County Commissioners of Tooele County, Utah this 17th day of February, 2009.

TOOELE COUNTY, UTAH

Colleen Johnson

Colleen Johnson, Commission Chairman

ATTEST:

Marilyn Gillette
Marilyn Gillette, County Clerk



EXHIBIT A

NOTICE OF INTENTION TO ESTABLISH THE TOOEELE COUNTY
TRANSPORTATION SPECIAL SERVICE DISTRICT, TOOEELE COUNTY, UTAH

NOTICE is hereby given to all interested persons that on February 17, 2009, the Board of County Commissioners (the "Commission") of Tooele County, Utah adopted a resolution declaring that the public health, convenience, and necessity require the establishment of a special service district, to be known as the Tooele County Transportation Special Service District, Tooele County, Utah (the "District") to provide for the construction, repair, and maintenance of roads within the District's boundaries and providing for the holding of a public hearing on the proposed establishment of the District.

In the event the District is created and in the event an election is called and a majority of qualified electors voting at an election grant approval, taxes may be annually levied upon all taxable property within the District. For services provided by the District, charges may be imposed to pay for all or part of the services to be provided by the District.

The boundaries and service area of the proposed District shall include unincorporated portions of Tooele County, Utah, and more particularly described as follows:

All of Tooele County, Utah as follows:

BEGINNING at the middle point of a straight line drawn between a point on the west shore of Great Salt Lake at latitude 41 degrees north and a point on the east shore of said lake due West of the middle of the channel of the Weber River and north of the northwest corner of Kingston's Fort; thence Southwesterly along said line to the west shore of said Lake; thence West to the western boundary of the state; thence South to the second standard parallel south; thence East to the summit of the divide between Cherry and Faust Creeks; thence along the summit of the range next east of the Rush and Tooele valleys to the northern end of said summit; thence Northeasterly on a straight line through Black Rock on the shore of Great Salt Lake to the POINT OF BEGINNING.

Excepting Therefrom all territory within the corporate boundaries of all cities and towns, namely Tooele City, Grantsville City, Stockton City, Wendover City, Town of Rush Valley, Town of Vernon, and the Town of Ophir, located within said Tooele County.

The public hearing shall be held on March 17, 2009, at 3:00 p.m. at the county offices at 47 South Main, Tooele, Utah. Any interested person may protest the establishment of the District either orally at said public hearing, or in a written protest filed with the Tooele County Clerk. All written protests must be filed within 15 days after the conclusion of said public hearing and all withdrawals or cancellations of withdrawals must be filed within 30 days after the conclusion of said public hearing. The Commission will hear all interested persons desiring to be heard and will give full

consideration to all protests. If special accommodations are required, please call (435) 843-3148 with reasonable advance notice.

Any written protest made on behalf of a corporation owning property within the proposed District shall be signed by the president, vice president, or any duly authorized agent of the corporation. Where property within the proposed District is owned by more than one person or entity, all owners holding title to the property must join in the signing of the protest in order for it to be considered in the fifty percent (50%) calculation discussed below.

If, within 30 days after the conclusion of said public hearing, more than fifty percent (50%) of the qualified voters of the territory proposed to be included within the District, or the owners of over fifty percent (50%) of the taxable value of the taxable property proposed to be included within the District, file written protests against the establishment of the District, the Commission is required by law to abandon the proposed creation of the District.

After the public hearing and 30-day protest period closes, the Governing Authority shall adopt a resolution either establishing the District, amending the District or abandoning the establishment of the District. A resolution approving the establishment of the District may contain any changes from the initial resolution or this notice of intention the Commission determines to be appropriate, including reduction of boundaries of the District and elimination of one or more of the types of services proposed. The boundaries of the District may not be increased nor additional types of services added, unless the Commission gives a new notice of intention and holds a new public hearing.

Any person who shall have timely filed a written protest and who is a qualified voter residing within, or owning property within, the District, may petition the district court within 30 days after the adoption of said creation resolution for a writ of review. The grounds for such a petition are limited to: (1) a claim that the petitioner's property will not be benefitted by the services to be provided by the District; and (2) a claim that the procedures used to establish the District violated the law.

FAILURE TO TIMELY FILE A WRITTEN PROTEST PRECLUDES THE PROTEST FROM BEING INCLUDED IN THE 50% CALCULATION DISCUSSED ABOVE AND THE PROTESTANT FROM FILING A PETITION FOR A WRIT OF REVIEW. FAILURE TO TIMELY FILE A PETITION FOR WRIT OF REVIEW FORECLOSES ANY RIGHTS TO THEREAFTER OBJECT TO THE ESTABLISHMENT OF THE DISTRICT.

DATED February 17, 2009.

/s/ Marilyn Gillette
County Clerk

Published on February 26, March 5, and March 12

EXHIBIT B

RECORD OF PROCEEDINGS
February 17, 2009

The Board of County Commissioners of Tooele County, Utah, met in public session at its regular meeting place in Tooele, Utah, at 47 South Main at 3:00 p.m., or as soon thereafter as feasible, on February 17, 2009, with the following members present:

Colleen Johnson	Chair
J. Bruce Clegg	Commissioner
Jerry Hurst	Commissioner

Also present:

Marilyn Gillette	County Clerk
Doug Hogan	County Attorney
Wayne Jones	Deputy

Absent:

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Board of County Commissioners a Certificate of Compliance With Open Meeting Law with respect to this February 17, 2009 meeting, a copy of which is attached hereto as Exhibit "A".

Commissioner Hurst then introduced and moved the adoption of the foregoing resolution, which motion was seconded by Commissioner Clegg and the motion was passed as follows:

AYE:

Commissioners
Hurst
Clegg
Johnson

NAY:

ABSTAIN:

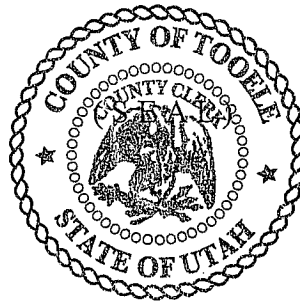
STATE OF UTAH)
 : ss.
COUNTY OF TOOELE)

I, Marilyn Gillette, the duly qualified and acting County Clerk of Tooele County, Utah, do hereby certify according to the records of said County in my official possession that the foregoing constitutes a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on February 17, 2009, including a resolution adopted at said meeting as said minutes and resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of said County this 17th day of February, 2009.



County Clerk



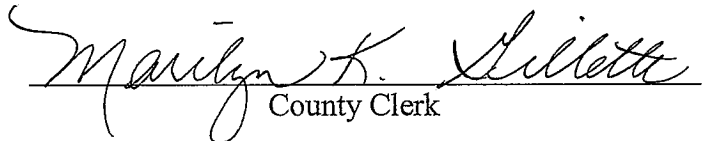
CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

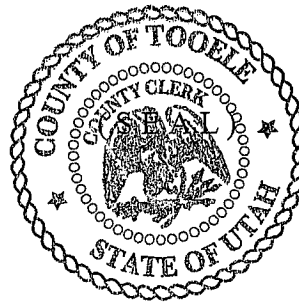
I, Marilyn Gillette, the undersigned County Clerk of Tooele County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the February 17, 2009, public meeting 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 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 "A", to be delivered to a newspaper of general circulation within the County at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the County Commission (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the County Commission to be held during the year, by causing said Notice to be posted on January 5, 2009, at the principal office of the County and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on January 5, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 17th day of February, 2009.


County Clerk



TOOELE COUNTY CLERK

TOOELE COUNTY COURTHOUSE

MARILYN K. GILLETTE
Tooele County Clerk

47 South Main Street
Tooele, Utah 84074-2194
(435)843-3140/Fax (435)882-7317
www.co.tooele.ut.us/clerk.htm

DEBBIE SMART
Chief Deputy Clerk

NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY, FEBRUARY 17, 2009, AT 3:00 P.M., IN ROOM 310, TOOELE COUNTY COURTHOUSE, 47 SOUTH MAIN STREET, TOOELE, UTAH. THE AGENDA IS:

1. ROLL CALL
2. MINUTES
3. TAX ADJUSTMENTS
4. INVOICES
5. DESERET PEAK COMPLEX
6. TOOELE COUNTY EMERGENCY MANAGEMENT T1'S TO DCD
7. ANNUAL PRESENTATION OF PAYMENT IN LIEU OF TAX - STATE DIVISION OF WILDLIFE RESOURCES
8. CONSIDERATION OF THE ADOPTION OF RESOLUTION 2009-01 AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF CERTAIN BUILDINGS AND THE FURNISHING AND EQUIPPING OF SUCH BUILDINGS FOR USE AS A WASTE-TO-ENERGY FACILITY (THE "PROJECT"); AUTHORIZING KINGSTON ENERGY DEVELOPMENT LLC TO ACQUIRE, CONSTRUCT, FURNISH AND EQUIP THE PROJECT TO BE FINANCED BY SUCH BONDS, AND RELATED MATTERS
9. RESOLUTION 2009-02 - PROPOSING THE ESTABLISHMENT OF THE TOOELE COUNTY TRANSPORTATION SPECIAL SERVICE DISTRICT, TOOELE COUNTY, UTAH, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF, AND RELATED MATTERS
10. CONTRACT REVIEW
 - A) 98-02-04- MEMORANDUM OF UNDERSTANDING- TOOELE COUNTY SHERIFF, CASTLE ROCK LAND & LIVESTOCK, FORESTRY, FIRE AND STATE LANDS
 - B) 07-02-04- ACCESS AGREEMENT FOR SURVEY AND EXPLORATION- TOOELE COUNTY AND DEPARTMENT OF ARMY
11. BOARD APPOINTMENTS
 - A) NORTH TOOELE COUNTY FIRE DISTRICT
12. PUBLIC CONCERNS
13. ADJOURN

DATED THIS 17th DAY OF February, 2009


MARILYN K. GILLETTE
TOOELE COUNTY CLERK

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY MARILYN K. GILLETTE, TOOELE COUNTY CLERK, AT 843-3148 PRIOR TO THE MEETING.

TOOELE COUNTY CLERK

TOOELE COUNTY COURTHOUSE

MARILYN K. GILLETTE
Tooele County Clerk

47 South Main Street
Tooele, Utah 84074-2194
(435)843-3140/Fax (435)882-7317
www.co.tooele.ut.us/clerk.htm

DEBBIE SMART
Chief Deputy Clerk

NOTICE OF ANNUAL MEETING

TO THE PUBLIC AND RESIDENTS OF TOOELE COUNTY

The Public is hereby given Notice that the Tooele County Board of Commissioners conducts its regular board of County Commissioners meeting on the first, second, third and fourth Tuesday at 3:00 P.M. of each month at the Tooele County Courthouse, Room 310, 47 South Main Street, Tooele, Utah, unless the location is specifically changed as stated on the agenda. If the meeting date is a legal holiday, then the regularly scheduled meeting will not be held.

DATED THIS 5th DAY OF JANUARY, 2009



MARILYN K. GILLETTE
Tooele County Clerk