

RESOLUTION 2011-05

A RESOLUTION INITIATING PROCEEDINGS RELATING TO THE ADDING OF CEMETERY SERVICE AS A SERVICE AUTHORIZED TO BE PROVIDED BY THE STANSBURY GREENBELT SERVICE AREA, PURSUANT TO THE REQUIREMENTS OF THE LOCAL DISTRICT ACT, §17B-1-201, ET SEQ. UTAH CODE ANNOTATED (1953), AS AMENDED; SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON; PROVIDING FOR PUBLICATION OF NOTICE OF ITS INTENTIONS WITH RESPECT THERETO; PROVIDING FOR THE RECEIPT OF WRITTEN PROTESTS AND RELATED MATTERS

WHEREAS, §17B-2a-907 Utah Code Annotated (1953), as amended, authorizes the addition of a new service within a service area using the procedures set forth in the Local District Act, §17B-1-201 *et seq.*, Utah Code Annotated, 1953, as amended (the "Act"), for the creation of a service area as though a new service area were being created; and

WHEREAS, the Stansbury Greenbelt Service Area, Stansbury Park, Utah (the "Service Area"), desires to add cemetery service as a service to be provided by the Service Area; and

WHEREAS, in conformance with the provisions of Section 17B-1-203(1)(d) of the Act, the process for adding cemetery service as a new service to be provided by the Service Area may be initiated by a resolution of the Board of County Commissioners (the "Commission"), of Tooele County, Utah (the "County"), proposing the addition of cemetery service as a new service authorized to be provided within the Service Area; and

WHEREAS, the Commission has determined that the establishment of a cemetery in Stansbury Park is vital in serving the needs of the growing and aging population of Stansbury Park and elsewhere in North Tooele County; and

WHEREAS, by resolution of the Service Area's governing board of trustees, the Service Area has manifested its desire and agreement to add cemetery service as a new service to be provided by the Service Area and is willing to own, operate, and maintain a cemetery within its

boundaries and to provide cemetery service to the residents of Stansbury Park and North Tooele County in a manner consistent with standards in the industry and in conformance with rules, regulations, and procedures to be promulgated by the Service Area; and

WHEREAS, pursuant to the requirements of the Act, the Commission adopts this resolution manifesting its intent to initiate proceedings relating to the addition of cemetery service as a new service to be provided by the Service Area.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION I - DETERMINATION. The Commission proposes and declares that cemetery service be added as a new service to be provided by the Service Area as set forth in the recitals above and, in conformance and subject to the provisions of Section 17B-1-203(1)(d) of the Act, hereby initiates proceedings to accomplish its purpose as stated herein.

SECTION II - BOUNDARIES. The area to be included within the Service Area and the boundaries thereof shall not be changed as a result of adding cemetery service as provided herein, and all property currently contained within the boundaries of the Service Area shall be and remain in the Service Area consistent with the boundary map currently of record with the County and on file in the office of the Lt. Governor of the State of Utah.

SECTION III - SERVICES. It is the purpose and intent of the Commission that, subject to the requirements of the Act, the Service Area be vested with all rights, powers and authority granted by law and the Act to provide cemetery service, in addition to the greenbelt and park operation and maintenance service which the Service Area is currently authorized to provide, to serve the persons and properties situated within the Service Area and others in North Tooele County according to rules, regulations, and procedures to be promulgated by the Service Area.

SECTION IV - PAYMENT OF COSTS. The costs to be incurred by the Service Area in providing cemetery service shall be paid through: (i) the levy of taxes, subject to all existing laws and limitations related to the levy of taxes by a service area under the Act and the Utah Service Area Act, (ii) burial plot sales, and (iii) other fees and charges levied by the Service Area as shall be deemed to be necessary in the providing of cemetery service, as authorized by law. The addition of cemetery service as a service authorized to be provided by the Service Area under the Act does not increase, change, or otherwise affect the maximum tax authorized to be levied by the Service Area under the law. Cemetery service shall be provided by the Service Area within and subject to the same statutory tax regulations and limitations under which the Service Area is currently subject under the Act. **THERE SHALL BE NO FINANCIAL IMPACT ON A HOUSEHOLD WITHIN THE SERVICE AREA AS A RESULT OF ADDING CEMETERY SERVICE AS AN AUTHORIZED SERVICE TO BE PROVIDED BY THE SERVICE AREA.**

SECTION V - BOARD OF TRUSTEES. The membership, constituency, and process for selection of the Service Area's board of trustees shall remain unchanged and otherwise be unaffected as a result of adding cemetery service as an authorized service to be provided by the Service Area.

SECTION VI - PUBLIC HEARING AND NOTICE. In conformance with the provisions of Section 17B-1-210 of the Act, a public hearing is hereby called and directed to be held on the proposed addition of cemetery service as a service to be provided by the Service Area. The public hearing is to be convened for the purpose of allowing the public to ask questions and obtain further information from the Commission regarding the issue of adding cemetery service as an authorized service to be provided by the Service Area. The date, time, and place of the public

hearing shall be specified in the "Notice of Intention to Add Cemetery Service as an Authorized Service to be Provided by the Stansbury Greenbelt Service Area" (the "Notice"), the form and content of which is set forth below. The Notice shall: (i) be published in the *Tooele Transcript Bulletin*, a newspaper of general circulation in the County, (ii) be no less in size than ¼ page in size, (iii) use type no smaller than 18 point, (iv) be surrounded by a ¼-inch border, and (v) be placed in a portion of the newspaper other than where the legal notices and classified advertisements appear. The Notice shall be published once each week for two (2) successive weeks, with the final publication being no less than three (3) and no more than ten (10) days before the public hearing. The Notice shall be in the following form:

**NOTICE OF INTENTION TO ADD CEMETERY SERVICE
AS AN AUTHORIZED SERVICE TO BE PROVIDED BY THE
STANSBURY GREENBELT SERVICE AREA**

PUBLIC NOTICE is hereby given by the Board of County Commissioners of Tooele County, Utah (the "Commission") that, in conformance with the pertinent provisions of the Local District Act, §17B-1-201 *et seq.*, Utah Code Annotated (1953), as amended, (the "Act"), the Commission has duly adopted a resolution in conformance with the provisions of the Act, proposing and declaring its purpose to initiate proceedings to add cemetery service as an authorized service to be provided by the Stansbury Greenbelt Service Area.

The area to be included within the Service Area and the boundaries thereof shall not be changed as a result of adding cemetery service, and all property currently contained within the boundaries of the Service Area shall remain in the Service Area consistent with the boundary map currently of record with the County.

It is the purpose and intent of the Commission that, subject to the requirements of the Act, the Service Area be vested with all rights, powers, and authority granted by law and the Act to provide cemetery service to the persons and properties situated within the Service Area and others in North Tooele County, in addition to the greenbelt and park operation and maintenance service which the Service Area is currently authorized to provide, according to cemetery rules, regulations, and procedures to be promulgated by the Service Area.

THERE SHALL BE NO FINANCIAL IMPACT ON A HOUSEHOLD WITHIN THE SERVICE AREA AS A RESULT OF ADDING CEMETERY SERVICE AS AN AUTHORIZED SERVICE TO BE PROVIDED BY THE SERVICE AREA. The costs to be incurred by the Service Area in providing cemetery service shall be paid through: (i) the levy of taxes, subject to and limited by all existing laws and limitations related to the levy of taxes by a service area under the Act and the Utah Service Area Act, (ii) burial plot sales, and (iii) other cemetery fees and charges levied by the Service Area as authorized and limited by law. Cemetery service shall be provided by the Service Area within and subject to the same statutory tax regulations and limitations under which the Service Area is currently subject under the Act. In other words, the maximum amount of taxes the Service Area is authorized to levy under the Act and the Service Area Act cannot legally be increased as a result of the Service Area adding cemetery as an authorized service to be provided by it.

A PUBLIC HEARING ON THE PROPOSAL TO ESTABLISH THE DISTRICT IS HEREBY CALLED AND SET FOR THE 12TH DAY OF JULY, 2011, AT 6:00 P.M. AT THE STANSBURY PARK CLUBHOUSE, 1 COUNTRY CLUB, STANSBURY PARK, UTAH, 84074, AT WHICH TIME AND PLACE ALL INTERESTED PARTIES MAY ASK QUESTIONS AND OBTAIN FURTHER INFORMATION REGARDING THE ADDITION OF CEMETERY SERVICE AS AN AUTHORIZED SERVICE TO BE PROVIDED BY THE SERVICE AREA.

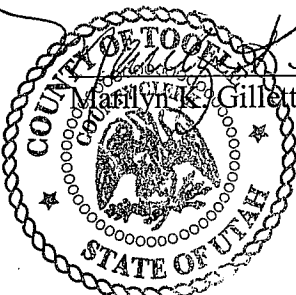
Any owner of real property or registered voter within the Service Area may protest the adding of cemetery service as an additional service authorized to be provided by the Service Area by filing a written protest with the County Clerk not later than sixty (60) days after the public hearing.

This Notice is given pursuant to and in accordance with the provisions of §17B-1-211 of the Act. This Notice, together with the resolution of the Commission authorizing the same, is on file and may be inspected at the office of the Tooele County Clerk, 47 South Main Street, Tooele, Utah 84074.

Given and ordered published this 21 day of June, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

 *Marilyn K. Gillette*
Marilyn K. Gillette, County Clerk

Colleen S. Johnson
Colleen S. Johnson, Commission Chair

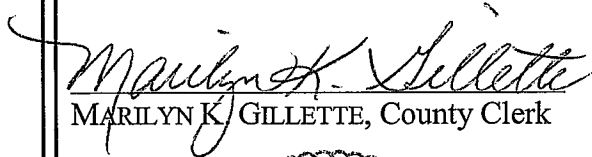
(End of Form of Notice)

SECTION VII - DIRECTION. All officers and employees of the County are hereby directed to take such action as is necessary and appropriate to effectuate the provisions of this Resolution and the purpose and intent expressed herein.

SECTION VIII - EFFECTIVE DATE. This resolution shall take effect immediately upon its approval and adoption by the Commission.

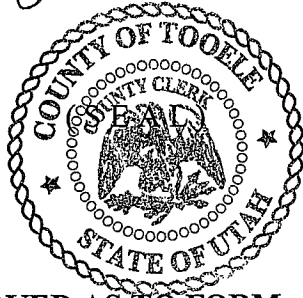
APPROVED AND ADOPTED this 21st day of June, 2011.

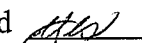
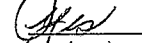

ATTEST:


Marilyn K. Gillette, County Clerk


**BOARD OF COUNTY COMMISSIONERS
TOOELE COUNTY, UTAH:**


Colleen S. Johnson, Chairman



Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney