

**TOOELE COUNTY
RESOLUTION 2022-47**

**A RESOLUTION ADOPTING THE POLICY GOVERNING THE
APPLICATION AND REVIEW PROCESS FOR PROPOSED PUBLIC
INFRASTRUCTURE DISTRICTS IN TOOELE COUNTY EFFECTIVE
NOVEMBER 1, 2022**

WHEREAS, the Legislature adopted the Public Infrastructure District Act in 2021; and

WHEREAS, the Public Infrastructure District Act allows applicants to petition counties to approve the creation of public infrastructure districts; and

WHEREAS, Tooele County did not have a policy to govern the application and review process for proposed public infrastructure districts; and

WHEREAS, the Tooele County Council studied and debated such a policy and approved the final form of such a policy on November 1, 2022;

WHEREAS, following the attached “Policy Governing the Application and Review Process for Proposed Public Infrastructure Districts in Tooele County” will foster and ensure due process and fair treatment to applicants;

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COUNCIL that the attached “Policy Governing the Application and Review Process for Proposed Public Infrastructure Districts in Tooele County” is hereby adopted effective November 1, 2022.

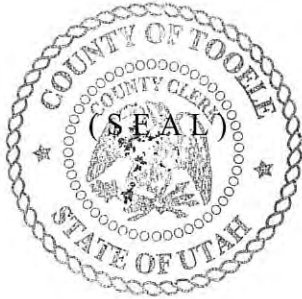
EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

DATED this 29th day of November, 2022.

Tooele County
Res. 2022-47

ATTEST:


TRACY D. SHAW, County Clerk



TOOELE COUNTY COUNCIL:


JARED S. HAMNER, Council Chair

Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted aye
Council Member Wardle voted aye

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

**POLICY GOVERNING THE APPLICATION AND REVIEW PROCESS FOR
PROPOSED PUBLIC INFRASTRUCTURE DISTRICTS**

IN TOOELE COUNTY

Adopted November 1, 2022

Amended November 29, 2022

A. PURPOSE AND PROHIBITION

To establish application requirements, review criteria, and processes for the consideration of requests to create public infrastructure districts (“PIDs”) in unincorporated Tooele County (“County”). County will not create public infrastructure districts for single-family residential developments. County will not create public infrastructure districts that include tax increment funding.

B. POLICY

It is the policy of the County to provide standard procedures to process, review, and resolve requests to create PIDs. The creation of a PID is subject to the sole discretion of the County Council (“Council”). Compliance with this policy does not obligate the Council to approve the formation of a PID.

C. PRELIMINARY PETITION

1. Contents

The applicant shall submit a preliminary petition to create a PID to the Tooele County Community Development Department (“CDD”).

The preliminary petition shall contain evidence of consent to the creation of the proposed PID, and consent to the issuance of debt in an amount sufficient to finance the proposed infrastructure, by 100% of surface property owners and registered voters within the proposed PID boundary.

The preliminary petition shall include or be accompanied by the following information in summary form:

- (a) A legal description and a preliminary local entity map of the proposed PID boundary that has been prepared and certified by a licensed surveyor;
- (b) A summary of needed infrastructure, services, and facilities;
- (c) A general description of infrastructure construction phasing based on development projections;
- (d) Regional and local infrastructure the proposed PID will provide;
- (e) Estimated construction costs for the infrastructure;

- (f) A proposed timeline for PID creation and infrastructure completion;
- (g) A sample finance plan showing the possible sources and uses of PID funds; and
- (h) An economic benefit analysis showing anticipated private investment amounts, anticipated bonded investment amounts, anticipated tax benefits, anticipated numbers of jobs that will be created, and so forth. The analysis shall be reviewed by a certified public accountant and accompanied by the accountant's opinion.

Each item shall be separately addressed in the order listed in this policy and shall be labeled and formatted in such a way that each item is readily recognizable.

2. Review

The CDD and County Manager shall review the preliminary petition for compliance with the above criteria. Once the CDD and County Manager determine that the preliminary petition complies with the above criteria, the County Manager shall present the preliminary petition to the Council in an open Council meeting. The CDD and County Manager may make recommendations to the Council. Upon invitation by the Council, the applicant may make recommendations to the Council. The Council shall then determine whether to allow the applicant to file an application.

D. APPLICATION

1. Contents

The applicant shall submit a written application to create a PID to the CDD. The application shall include or be accompanied by the following information:

- (a) An adequate narrative that describes the proposed development, identifies a need for public financing that cannot be filled elsewhere in the private market, and describes how the creation of a PID will benefit future landowners and County residents generally;
- (b) A preliminary local entity map of the proposed PID boundary that has been prepared and certified by a licensed surveyor;
- (c) A site plan showing current improvements, proposed improvements, and any development currently built or planned to be built within the PID;
- (d) An infrastructure plan, which shall include:
 - (1) An itemization and description of all needed infrastructure (both regional and local) and facilities within the PID boundary;
 - (2) Preliminary engineering or architectural surveys showing how the proposed infrastructure is to be built;
 - (3) A complete description of any facilities to be constructed;

- (4) Cost estimates for all facilities and improvements, including adjustments for inflation;
 - (5) A general description of construction phasing based on development projections;
 - (6) A list of all public entities that will receive infrastructure financed through the proposed PID; and
 - (7) If the proposed PID boundary overlaps with another PID, an explanation of the relationship between the entities and an outline of any plans to utilize an inclusion area or multi-district structuring.
- (e) Long term operational and financing plan, which, at a minimum, shall include:
- (1) An estimate of the population and valuation for assessment of the proposed PID, taking into account the time horizon for the proposed debt;
 - (2) A proforma financial overview, including total costs, total revenues, anticipated numbers of jobs that will be created, and business plans designed to achieve and maintain development plans;
 - (3) A sample finance plan showing how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the PID board within the parameters of the governing document;
 - (4) The anticipated maximum or fixed maximum mill levy required to meet debt service of the PID;
 - (5) An analysis of proposed mill levies considering outstanding debt and mill levies of other taxing entities affecting the area;
 - (6) A comparison of the mill levies of similar taxing entities in the area;
 - (7) Proposed operating budgets for the PID's first three years of existence;
 - (8) Any other forms of public financing and assistance being sought, including assessment areas and tax increment financing;
 - (9) The maximum debt proposed to be incurred by the PID;
 - (10) A description of the scheduling and phasing of all capital improvements and building plans and their relationship to the financial stability of the PID;
 - (11) If the financial plan identifies any contributions by the developer to the PID, all agreements or proposed agreements between the developer and the proposed PID;
 - (12) A list of items that will be purchased or leased by the PID from the developer/applicant (e.g., land, rights of way, water rights, etc.); and

- (13) Plans to mitigate any shortfalls in the PID's ability to meet financial obligations.
- (f) A description of the proposed administrative structure of the PID demonstrating the ability of the PID to meet the administrative requirements found in the Fiscal Procedures for Local Districts Part of the Utah Code Title for Limited Purpose Local Government Entities - Local Districts;
- (g) Past and present financial difficulties (insolvency, bankruptcy, lawsuits, significant contract disputes, foreclosure proceedings, etc.) of the applicant/developer and any of its related businesses including subsidiaries, partnerships, and/or affiliates;
- (h) Background information on the developer/applicant and financial relationships between property owners, developer/applicant and the PID;
- (i) A traffic study;
- (j) Sources and amounts of water for the development and the impact water usage in the development will have on surrounding properties; and
- (k) Any other information reasonably be requested by the County.

Each item shall be separately addressed in the order listed in this policy and shall be labeled and formatted in such a way that each item is readily recognizable.

2. Review

Applications shall be initially reviewed by an ad hoc committee appointed by the Council to advise the Council and other policymakers. The committee shall be comprised of individuals representing the County's community, economic, financial, and legal interests. The committee shall be tasked with reviewing the application for completeness and consistency with the Act, this policy, and other applicable state statutes and county ordinances.

In evaluating an application, the committee may submit the financial aspects to a qualified accountant or certified public accountant for an opinion on the plan and costs listed in the application.

After committee review of the application is complete, the committee shall report its findings to the Council. The Council has sole and unfettered discretion to adopt a resolution authorizing the preparation of a governing document. Compliance with all the criteria outlined in this policy does not obligate the Council to adopt such a resolution.

E. GOVERNING DOCUMENT

If the Council adopts a resolution authorizing the preparation of a governing document, the applicant and county legal counsel shall prepare such a document and submit the same to the Council for consideration and approval. Each governing document shall include a provision allowing County to impose and collect administrative fees for the collection of taxes levied by the PID.

F. FEES AND OTHER EXPENSES

The applicant shall pay the established fee for the preliminary petition at the time of submission to the CDD. The applicant shall pay the established fee for the application at the time of submission to the CDD.

In addition to the established fees, the applicant shall pay all reasonable consultant, legal, and other fees and expenses incurred by the County. The governing document shall not be approved by the Council until all such fees and expenses have been paid in full.