

RESOLUTION NO. R-2007-1203

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, UTAH, CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT WITHIN WASHINGTON COUNTY; DESCRIBING THE BOUNDARIES THEREOF, NAMING THE SAID 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 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 Hurricane Valley Fire District ("District") to provide fire protection, paramedic services, and ambulance services within a boundary that includes the boundaries of the municipalities of Hurricane City, LaVerkin City, Toquerville City and Virgin Town, along with a portion of the unincorporated area of Washington County adjacent to these municipalities, pursuant to the provisions of Article XIV, Section 8 of the Utah Constitution and Utah Code Annotated, § 17A-2-1301, *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 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-2007-1166, approved and passed on August 21, 2007, the statutory process to create a special service district within the boundary of the District; and

WHEREAS, in accordance with the Resolution passed on August 21, 2007, and the Act, the Commission gave public notice of its intention to establish the District and it called and held a public hearing on October 2, 2007, 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, the public hearing was continued to November 5, 2007, 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, subsequent to said public hearings and 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, the Commission 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, of the municipalities of Hurricane City, LaVerkin City, Toquerville City and Virgin Town have all approved 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 18<sup>th</sup> day of December, 2007, 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 "Hurricane Valley Fire Special Service District", hereinafter referred to in this Resolution as the "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 Hurricane City, LaVerkin City, Toquerville City, Virgin Town, as the boundaries of such municipalities exist and are recorded on the effective date of this Resolution, and specified areas of the unincorporated area of Washington County adjacent to these municipalities (see the attached map of the proposed service area boundary).

Section 5. 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 an 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 6. The District shall be administered by an Administrative Control Board which is hereby 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 7. The membership of the Administrative Control Board of the District shall consist of five (5) members as follows: one elected official from each municipality, which shall be appointed by the mayor of said municipality, and the fifth board member, an at-large board member, which shall be elected by registered voters within the boundary of the District. Initially, the Commission shall appoint a temporary at-large board member, which shall be replaced by an elected person at the first available election for that purpose.

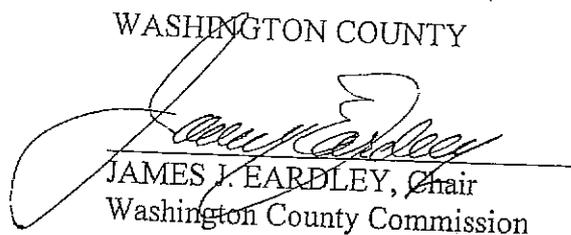
The board members shall serve for terms of four (4) years. However, the board members initially appointed by LaVerkin City and Hurricane City shall serve terms of two (2) years - those appointed by said municipalities thereafter shall serve terms of four (4) years.

Vacancies of the appointed members of said Board shall be filled by appointment from the mayor of the municipality where the vacancy occurred, who shall serve for the balance of the unexpired term of the member whose vacancy is filled. A vacancy for the at-large board member shall be appointed by the Commission, who shall serve until said person can be replaced by an elected person at the first available election for that purpose.

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 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 18<sup>TH</sup> DAY OF DECEMBER 2007.

WASHINGTON COUNTY

  
JAMES J. EARDLEY, Chair  
Washington County Commission

ATTEST:

  
Calvin R. Robison  
Washington County Clerk-Auditor

Commissioner Eardley voted Aye  
Commissioner Gardner voted Aye  
Commissioner Drake voted Aye