

Coalville, Utah

August 18, 2021

The County Council (the "Council") of Summit County, Utah, met in regular session on Wednesday, August 18, 2021, at the hour of ~~2:00~~1:15 p.m., with the following members of the Council being present:

Glen Wright	Chair
Chris Robinson	Vice Chair
Roger Armstrong	Councilmember
Doug Clyde	Councilmember
Malena Stevens	Councilmember

Also present:

Tom Fisher	County Manager
Evelyn Furse	<u>County</u> Clerk

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 18, 2021, meeting, a copy of which is attached hereto as Exhibit A.

After due deliberation, the following Resolution was considered, fully discussed and, pursuant to motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, was adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

RESOLUTION NO. 2021-~~34~~10

A RESOLUTION PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SUMMIT COUNTY, UTAH (THE "COUNTY"), A PROPOSITION REGARDING THE ISSUANCE OF NOT TO EXCEED \$50,000,000 GENERAL OBLIGATION BONDS TO FINANCE ALL OR A PORTION OF THE COSTS OF THE ACQUISITION OF PASSIVE AND ACTIVE OPEN SPACE, CONSERVATION EASEMENTS, AND CONSTRUCTING RECREATIONAL AMENITIES AND ENVIRONMENTAL AND WILDLIFE MITIGATION MEASURES AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS.

WHEREAS, the County Council (the "Council") of Summit County, Utah (the "County") desires to finance all or a portion of the costs of the acquisition of passive and active open space, conservation easements, and constructing recreational amenities and environmental and wildlife mitigation measures and related improvements (the "Project"); and

WHEREAS, the County does not have on hand money to pay for all of the costs of the Project and the Council has determined to finance the cost thereof through the issuance of up to \$50,000,000 of its General Obligation Bonds (the "Bonds"); and

WHEREAS, the Council desires to submit a proposition concerning the issuance of the Bonds to the vote of the qualified electors of the County pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended and applicable provisions of the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended (collectively, the "Act");

NOW, THEREFORE, It Is Hereby Resolved by the Council as follows:

Section 1. Definition of Terms. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution.

Section 2. Election Call. On November 2, 2021, there shall be held in the County a special bond election (the "Bond Election"), between the hours of 7:00 a.m. and 8:00 p.m., at which there shall be submitted to the qualified electors of the County the proposition appearing in the ballot proposition portion of the Notice of Election as substantially set out in Section 6 hereof (as may be appropriately and legally updated, modified, corrected or completed).

Section 3. Voting Places and Election Judges. For purposes of the Bond Election, the voting methods, the voting precincts, the voting places, the election judges,

alternate judges and poll workers to serve at said voting places shall be the same as those established for the general election held that day.

Section 4. Authorization and Reimbursement of Expenses. The Bond Election shall be conducted and the registration therefore shall be governed in conformity with the laws of the State of Utah, including particularly the Act, and the officials of the County, as applicable, shall and are hereby authorized and directed to perform and do all things necessary to the proper calling and conduct of the Bond Election and the canvass of the results thereof.

In the event the proposition for the Bonds is approved at the Election, the County reasonably expects to reimburse itself from proceeds of debt to be incurred by the County, capital expenditures advanced for the acquisition and construction of the improvements herein described in a principal amount of not more than \$50,000,000.

Section 5. Public Hearing. The Council shall hold a public hearing on September 22, 2021, to receive input from the public with respect to (a) the issuance of the Bonds and (b) the potential economic impact that the improvements, facilities, or properties to be financed in whole or in part with proceeds of the Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first posted and shall not be sooner than thirty (30) days or later than five (5) business days before the first posting of the Notice of Election as described in this Resolution, such notice to be posted on the Utah Public Meeting Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended. The “Notice of Public Hearing” shall be in substantially the following form

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on August 18, 2021, the County Council (the "Council") of Summit County, Utah (the "County"), adopted a resolution (the "Resolution") in which it authorized the calling of an election (the "Election") concerning a proposition for the issuance of the County's General Obligation Bonds (the "Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Bonds, and (b) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the Bonds (see below) may have on the private sector.

### TIME, PLACE, AND LOCATION OF PUBLIC HEARING

The Council shall hold a public hearing on Wednesday, September 22, 2021, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, in the County offices, located at ~~60 North Main~~ the Ledges Event Center, 202 East Park Road, Coalville, Utah. All members of the public are invited to attend and participate.

### PURPOSE FOR ISSUING THE BONDS, MAXIMUM AMOUNT AND SECURITY

The Bonds are to be issued in the aggregate principal amount of not to exceed \$50,000,000 for the purpose of financing all or a portion of the costs of the acquisition of passive and active open space, conservation easements, and constructing recreational amenities and environmental and wildlife mitigation measures and related improvements and paying costs of issuance of the Bonds. The Bonds shall be secured by ad valorem property taxes of the County to the extent authorized by law.

The Bonds may be issued in one or more series and be sold from time to time, all as the Council may determine.

DATED this August 18, 2021.

/s/ Evelyn Furse  
County Clerk

(To be posted no less than 14 days before the public hearing.)

Section 6. Notice of Election. In accordance with Section 11-14-202 of the Act, a Notice of the Bond Election shall be (i) posted in a place within the boundaries of the Issuer that are most likely to give notice to the voters in the Issuer (the “Locations”), with at least one additional notice posted per 2,000 population of the Issuer, at least 21 days before the Bond Election, (ii) posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>) for three weeks before the Bond Election and (iii) posted on the County’s website for at least three weeks before the Bond Election. The Council hereby finds that the following locations meet this criteria:

<u>Park City Hall</u>	<u>445 Marsac Ave.</u>	<u>Park City, UT 84060</u>
<u>Park City Post Office</u>	<u>450 Main St.</u>	<u>Park City, UT 84060</u>
<u>Summit County Library</u>	<u>1885 W Ute Blvd.</u>	<u>Park City, UT 84098</u>
<u>Fresh Market</u>	<u>3151 Kibly Rd.</u>	<u>Jeremy Ranch, UT 84098</u>
<u>Park City Post Office</u>	<u>2100 Park Ave.</u>	<u>Park City, UT 84060</u>
<u>Basin Recreation Field House</u>	<u>1388 Center Drive</u>	<u>Park City, UT 84098</u>
<u>Oakley City Hall</u>	<u>960 W. Center St.</u>	<u>Oakley, UT 84055</u>
<u>Summit County Library</u>	<u>110 N. Main St.</u>	<u>Kamas, UT 84036</u>
<u>Coalville City Hall</u>	<u>82 N. 50 East</u>	<u>Coalville, UT 84017</u>
<u>Summit County Library</u>	<u>10 S. Main St.</u>	<u>Coalville, UT 84017</u>

In addition, the Election Officer (defined herein) is to (i) publish the sample ballot immediately before the election as required in Section 20A-5-405 of the Act and (ii) publish notice of and perform the election voting device and tabulation equipment test procedures as required by Section 20A-4-104 of the Act.

The election Notice shall be given in substantially the following form (with such completion, amendments, updates, changes, additions or alterations as may be required to conform such notices to the Act (including amendments thereto prior to such posting) and actual election information or calendar items (to be confirmed prior to the first publication of such notice)):

## ELECTION NOTICE

To all qualified electors of Summit County, Utah:

Take notice that on November 2, 2021 between the hours of 7:00 a.m. and 8:00 p.m., a special bond election (the “Bond Election”) will be held in Summit County, Utah (the “County”) in conjunction with the general election to be held that day.

Information regarding polling places for each voting precinct, each early voting polling place, and each election day voting center, including changes to the location of a polling place and the location of an additional polling place, may be found at the Statewide Electronic Voter Information Website at [vote.utah.gov](http://vote.utah.gov) or at the Summit County Clerk’s Website at <https://www.summitcounty.org/270/Clerk281>.

To obtain information regarding the location of a polling place voters may also call (435) 336-32034.

The Election will be held for the purpose of submitting the following ballot proposition:

OFFICIAL BALLOT PROPOSITION FOR THE  
SUMMIT COUNTY, UTAH  
SPECIAL BOND ELECTION

NOVEMBER 2, 2021

/s/ Evelyn Furse  
County Clerk

PROPOSITION

Shall the County Council (the “Council”) of Summit County, Utah (the “County”), be authorized to issue General Obligation Bonds (the “Bonds”) in a principal amount not to exceed Fifty Million Dollars (\$50,000,000) for the purpose of paying all or a portion of the costs of the acquisition of passive and active open space, conservation easements, and constructing recreational amenities and environmental and wildlife mitigation measures and related improvements; said Bonds to be due and payable in not to exceed twenty-six (26) years from the date of issuance of the Bonds?

Property Tax Cost of Bonds: If the Bonds are issued as planned, an annual property tax sufficient to pay debt service on the Bonds will be required over a period of twenty-six (26) years in the estimated amount of \$40 per year on a \$715,000 primary residence and in the estimated amount of \$~~70~~73 per year on a business or secondary residence having the same value.

The foregoing information is only an estimate and is not a limit on the amount of taxes that the County may be required to levy to pay debt service on the Bonds. The County is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and taxable values of property in the County.

FOR THE ISSUANCE OF BONDS (YES)

AGAINST THE ISSUANCE OF BONDS (NO)

Pursuant to applicable provisions of Utah State law, the period allowed for any contest of the Bond Election shall end forty (40) days after November 16, 2021 (the date on which the returns of the Bond Election are to be canvassed and the results thereof declared). No such contest shall be maintained unless a complaint meeting the requirements of applicable law is filed with the Clerk of the District Court of Summit County within the prescribed forty (40) day period.



Section 7. Mailing of Voter Information Pamphlet. The Council hereby directs the County Clerk of the County (the “County Clerk”) to mail at least fifteen (15) but not more than forty-five (45) days before the scheduled Bond Election, a voter information pamphlet or a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail, to each household with a registered voter who is eligible to vote on the Bonds. Said voter information pamphlet shall include, in the following order: (a) the date of the Bond Election, (b) the hours during which the polls will be open, (c) the address of the Statewide Electronic Voter Information Website and, if available, the address of the Summit County Clerk’s website, with a statement indicating that the election officer will post on the website the location of each polling place for each voting precinct, each early voting polling place, and each election day voting center, including any changes to the location of a polling place and the location of an additional polling place; (d) a phone number that a voter may call to obtain information regarding the location of a polling place; (e) the title and text of the ballot proposition, and (f) an explanation of the property tax impact, if any, of the issuance of the Bonds which may be based upon information available to the County Clerk, including (i) expected debt service on the Bonds to be issued, (ii) a description of the purpose, remaining principal balance, and maturity date on any outstanding general obligation bonds of the County, (iii) funds other than property taxes available to pay debt service on general obligation bonds, (iv) timing of expenditure of Bond proceeds, (v) property values and (vi) any additional information the Council determines may be useful to explain the property tax impact of issuance of the Bonds.

Section 8. Compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended. The County shall comply with the requirements of the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended and shall post the arguments and rebuttal arguments as required by such act on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, Utah Code Annotated 1953, as amended, for thirty (30) consecutive days before the Bond Election. The County shall further post all arguments and rebuttal arguments in a prominent place on the County’s website for thirty (30) consecutive days before the Bond Election. If the County has a newsletter published between finalization of the arguments and rebuttal arguments and the date of the Bond Election, it shall further post arguments and rebuttal arguments in such newsletter. When posting the argument and rebuttal argument, the County Clerk shall ensure that: (a) a rebuttal argument is posted in the same manner as a direct argument; (b) each rebuttal argument follows immediately after the direct argument that it seeks to rebut; and (c) information regarding the public meeting (described in the next sentence), follows immediately after the posted arguments, including the date, time, and place of the public meeting. The County shall conduct a public meeting on September 22, 2021, a date which is no more than forty-five (45), but at least four (4), days before the Bond Election, beginning at the hour of 6:00 p.m. at ~~60 North Main~~the Ledges Event Center, 202 East Park Road, Coalville, Utah. The purpose of the meeting is to hear arguments for and against the issuance of the Bonds. Information regarding this public meeting shall follow immediately after the posted arguments set forth on the Statewide Electronic Voter Information Website and the County’s website described herein.

Within three days following the public meeting, the County will post a digital audio recording of the meeting on its website and at the primary office of the County.

Section 9. Election Supplies and Ballots. The ballots to be used at the Bond Election shall comply in all respects with the requirements of the Act at the time of the Bond Election, including, but not limited to, Title 20A, Chapter 6 and Section 11-14-206 of the Act, and the proposition and election instructions with respect to the Bond Election shall be in substantially the form contained in the Election Notice set forth in Section 6 hereof.

Section 10. Appointment of Election Officer. Pursuant to Sections 20A-1-102 and 20A-5-400.5 of the Act, the County Clerk of the County will act as elections officer (the "Election Officer"). Other officials of the County are hereby directed and authorized to coordinate with the Election Officer as required for the Bond Election. The Election Officer shall be authorized and directed to give appropriate notices as required by the Act.

Section 11. Canvass. The ballots shall be counted and the results delivered to the County in accordance with the procedures of Title 20A, Chapter 4, Part 1 and Part 2, of the Act. The Council shall meet as a Board of Canvassers no sooner than seven (7) nor later than fourteen (14) days after the date of said election, currently set for November 16, 2021, at \_\_\_\_\_ p.m., at the regular meeting place of the Council in Centeroalville, Utah, and if the majority of the votes cast at the Bond Election are in favor of the propositions submitted, then the County Clerk shall cause an entry of that fact to be made upon its minutes. Thereupon the Council shall be authorized and directed to issue such Bonds.

Section 12. Severability. It is hereby declared that all parts of this resolution are severable, and if any section, clause, or provision of this resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause, or provision shall not affect the remaining sections, clauses, or provisions of this resolution.

Section 13. Conflict. All resolutions, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

Section 14. Captions. The headings herein are for convenience of reference only and in no way define, limit, or describe the scope or intent of any provisions or sections of this resolution.

Section 15. Recording of Resolution; Effective Date; Notice to Lieutenant Governor and Election Officer. Immediately after its adoption, this Resolution shall be signed by the Chair and County Clerk, shall be recorded in a book for that purpose, and shall take immediate effect. The County Clerk shall immediately furnish a certified copy of this Resolution to the Lieutenant Governor and the Summit County Clerk in

accordance with Section 11-14-201 of the Act by no later than August 19, 2021, a date at least 75 days before the Bond Election.

Section 16. Further Authority. The Council hereby authorizes the County Clerk to make changes to any notice or the ballot proposition described herein to complete the same, cure any ambiguity or defect therein or to make any other changes to such notice or ballot proposition as may be required or allowed by the laws of the State of Utah.

PASSED AND APPROVED this August 18, 2021.

(SEAL)

By: \_\_\_\_\_  
Glenn Wright  
Chair

ATTEST:

By: \_\_\_\_\_  
Evelyn Furse  
County Clerk

Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By: \_\_\_\_\_  
Glenn Wright  
Chair

ATTEST:

By: \_\_\_\_\_  
Evelyn Furse  
County Clerk

STATE OF UTAH )  
 : ss.  
COUNTY OF SUMMIT )

I, Evelyn Furse, hereby certify that

(a) I am the duly qualified and acting County Clerk of Summit County, Utah (the “County”);

(b) the above and foregoing constitutes a true and correct copy of a portion of the minutes of a regular meeting of the County Council of Summit County, Utah, including a resolution adopted at said meeting held on August 18, 2021, as said minutes and resolution are officially of record in my possession;

(c) a certified copy of the within Resolution will be filed with the Lt. Governor and the Summit County Clerk, as described herein;

(d) the Resolution, with all exhibits attached, was deposited in my office on August 18, 2021;

(e) pursuant to the Resolution, a Notice of Public Hearing will be posted on the Utah Public Notice website (<http://pmn.utah.gov>) no less than 14 days prior to the Public Hearing; and

(f) pursuant to the Resolution, an Election Notice will be (i) posted in the Locations determined by the Council in the foregoing resolution, (ii) posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>) and (iii) posted on the County’s website, with each such posting being at least three weeks before the Bond Election.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of Summit County, Utah, this August 18, 2021.

(SEAL)

By: \_\_\_\_\_

Evelyn Furse

County Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Evelyn Furse, the undersigned County Clerk of Summit County, Utah (the “County”), do hereby certify that I gave written public notice of the agenda, date, time and place of the special meeting held by the County Council (the “Council”) of the County on August 18, 2021, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Park Record at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2021 Annual Meeting Schedule for the County (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be (i) posted on December 10, 2020 at the principal office of said County, (ii) provided to at least one newspaper of general circulation within the County on December 19, 2020 and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of Summit County this August 18, 2021.

(SEAL)

By: \_\_\_\_\_

Evelyn Furse  
County Clerk

SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE