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W2156401

RESOLUTION NO. 23-2005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY CREATING AND ESTABLISHING A SPECIAL SERVICE DISTRICT THROUGHOUT ALL OF WEBER COUNTY, TO BE KNOWN AS THE "WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT"

RECITALS

WHEREAS, Utah Code Annotated § 17A-2-1304 permits counties to establish special service districts for the purpose of establishing consolidated 911 and emergency services; and

WHEREAS, the governing board of the present Consolidated Dispatch Service Center has requested that the Board of County Commissioners of Weber County create a special service district to both fund and govern the operations of a consolidated 911 and Emergency Dispatch service district ("District"); and

WHEREAS, the Weber Area Council of Governments ("WACOG") has also requested that the Board of County Commissioners of Weber County create the District to fund and govern the operations of a consolidated 911 and Emergency Dispatch service district; and

WHEREAS, on 29th day of March, 2005, the Board of County Commissioners of Weber County, Utah, adopted a resolution, Resolution No. 15-2005, declaring that the public health, convenience and necessity require the establishment of the District throughout Weber County for the purpose of providing facilities, equipment and consolidated 911 emergency dispatch services within the area thereof; and

WHEREAS, a certified copy of Resolution No. 15-2005 was sent to the fifteen municipalities of Weber County for the purpose of having them consider said resolution and approving such for the purpose of granting the Board of County Commissioners the authority to include their respective municipalities within the boundaries of the District; and

WHEREAS, all fifteen municipalities adopted resolutions approving Resolution No. 15-2005 and thereby granted authority to the Board of County Commissioners to proceed with establishing the District in their municipalities by scheduling a public hearing to receive public input on the proposed District; and

WHEREAS, on the 21st day of June, 2005, the Board of County Commissioners of Weber County held a public hearing regarding the establishment of the District at the regular meeting place of the Board of County Commissioners of Weber County, 2380 Washington Blvd., Ogden, Utah, at 6 p.m. to receive input from any interested person regarding the creation of said district; and

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DOUG CROFTS, WEBER COUNTY RECORDER
24-JAN-06 2:31 PM FEE \$1.00 DEP RMB
REC FOR: WEBER COUNTY CLERK/AUDITOR

WHEREAS, the District will be a separate body politic and corporate with all of the rights, powers, and authority set forth in Utah Code Annotated § 17A-2-1314; and

WHEREAS, the District may levy a tax on all taxable property within the District in addition to all other taxes on such property levied or imposed by the county or any other public corporation, district, or political subdivision in which the district is located, subject to authorization by a majority of the qualified electors of the district voting at an election for that purpose; and

WHEREAS, no opposition was expressed to the establishment of the District at that public hearing; and

WHEREAS, no written protest has been filed with the Board of County Commissioners of Weber County regarding the creation of the District;

NOW THEREFORE, the Board of County Commissioners of Weber County hereby resolves to establish the Consolidated 911 and Emergency Dispatch Service District which shall be subject to the following provisions.

**SECTION ONE
NAME OF DISTRICT**

The name of the district shall be the "Weber Area Dispatch 911 and Emergency Services District."

**SECTION TWO
BOUNDARIES OF DISTRICT**

The boundaries of the District shall be coterminous with the boundaries of Weber County as previously set forth in the Utah Code and as now recorded in the Lieutenant Governor's Office. The District shall include all areas within the boundaries of Weber County including the following municipalities: Farr West, Harrisville, Hooper, Huntsville, Marriott-Slaterville, North Ogden, Ogden, Plain City, Pleasant View, Riverdale, Roy, South Ogden, Uintah, Washington Terrace, and West Haven.

**SECTION THREE
NATURE OF SERVICES**

The purposes for which the District is created and organized are to provide to the residents of Weber County all dispatch and communications services related to public safety including but not limited to: operation of the E9-1-1 Emergency Communications System in and among all municipalities and unincorporated areas of participating counties and to foster the safety of the general public by means of prompt processing of emergency calls and by prompt dispatch of emergency services.

**SECTION FOUR
RIGHTS, POWERS AND AUTHORITY**

In addition to all the other rights, powers and authority granted by law, the District shall have the following rights, powers and authority:

- a. The right to sue and be sued;
- b. The power to exercise all powers of eminent domain possessed by the county;
- c. The power to enter into contracts considered desirable by the governing authority of the District to carry out the functions of the District, including, without limitation, the power to enter into contracts with the government of the United States or any of its agencies, the State of Utah, counties, municipalities, school districts, and other public corporations, districts, or political subdivisions including institutions of higher education; These contracts may include, without limitation, provisions concerning the use, operation, and maintenance of any facilities of the District and the collection of fees or charges with respect to commodities, services, or facilities provided by the District;
- d. The power to acquire or construct facilities, to purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use, finance, and otherwise deal in and with real and personal property, or any interest in them, wherever situated, either within or outside of the District, including water and water rights, and including the power to acquire other than by condemnation property or interests in property owned or held by institutions of higher education;
- e. The power to sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of or contract with respect to the use, operation, and maintenance of, all or any part of its property and assets, including water and water rights;
- f. The power to accept governmental grants, loans, or funds and to comply with the conditions of them;
- g. The right to utilize any officers, employees, property, equipment, offices, or facilities of the county which established the District, and for which the governing authority of the District shall reimburse the county from District funds, a reasonable amount for the services so rendered or for the property, equipment, offices or facilities so used;
- h. The right to employ officers, employees, and agents for the District, including engineers, accountants, attorneys, and financial consultants, and to fix their compensation;

- i. The right to adopt an official seal for the District.

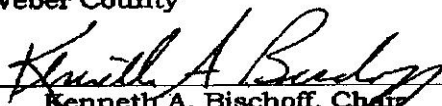
**SECTION FIVE
GOVERNANCE**

- A. Pursuant to Utah Code Ann. § 17A-2-1313(2), the Board of County Commissioners of Weber County shall control and have supervisory authority over all activities of the District.
- B. It is the intent of the Board of County Commissioners to appoint an administrative control board with a representative of the county and each municipality which is part of the district. The administrative control board shall be delegated the exercise of certain rights, powers, and authority. The administrative control board will be established under the authority, and in accordance with the provisions of Utah Code Ann. § 17A-2-1325.
- C. Pursuant to the provisions of the Utah Special Service District Act (the "Act") the District may annually levy taxes upon all taxable property within its boundaries and may impose fees and charges to pay for all or part of the services to be provided by the District. THE ACT PROVIDES HOWEVER, THAT NO TAX MAY BE LEVIED AND NO BONDS OF THE DISTRICT WHICH ARE PAYABLE IN WHOLE OR IN PART FROM TAXES TO BE LEVIED ON THE TAXABLE PROPERTY IN THE DISTRICT SHALL BE ISSUED UNLESS AUTHORIZED BY A MAJORITY OF THE QUALIFIED ELECTORS OF THE DISTRICT VOTING AT AN ELECTION HELD FOR THAT PURPOSE AS PROVIDED IN THE ACT.
- D. Upon the adoption of this resolution establishing the District, the District shall be a separate body politic and corporate and a quasi-municipal public corporation distinct from Weber County. The Commission may not delegate the powers: (1) to levy a tax on the taxable property of the District; (2) to issue bonds payable from taxes, or (3) to call or hold an election in the District for the authorization of such tax or bonds. The Administrative Control Board may not hold an election, levy a tax or assessment, or issue bonds or interim warrants unless approved by the Commission. Any delegation to an Administrative Control Board may be revoked, in whole or in part, by resolution of the Commission.

The Board of County Commissioners of Weber County hereby RESOLVES to create and does hereby create and establish a special service district throughout all of Weber County to be known as the "WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT."


RESOLVED this 12th day of July, 2005.

Board of County Commissioners
of Weber County

By 
Kenneth A. Bischoff, Chair

Commissioner Bischoff voted 
Commissioner Cain voted 
Commissioner Dearden voted 

ATTEST:


Linda G. Luncford, CFO
Weber County Clerk/Auditor