

**APPLE VALLEY
RESOLUTION R-2024-07**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “R-2022-32 A RESOLUTION OF THE APPLE VALLEY TOWN COUNCIL REINSTATING ITS DELEGATION TO AN ADMINISTRATIVE CONTROL BOARD OF ITS RIGHTS, POWERS, AND AUTHORITY RELATED TO THE BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT” of the Apple Valley Municipal Resolutions is hereby *amended* as follows:

AMENDMENT

R-2022-32 A RESOLUTION OF THE APPLE VALLEY TOWN COUNCIL REINSTATING ITS DELEGATION TO AN ADMINISTRATIVE CONTROL BOARD OF ITS RIGHTS, POWERS, AND AUTHORITY RELATED TO THE BIG PLAINS WATER AND SEWER SPECIAL SERVICE DISTRICT

Whereas Apple Valley Town (the “Town”) duly created by Resolution No. 2011-25 and pursuant to the provisions of Article XI, Section 7 of the Utah Constitution and Utah Code Annotated, § 17D-1-101, *et seq* the special service district called the Big Plains Water and Sewer Special Service District (the “District”).

Whereas Utah Code Annotated, § 17D-1-101 (the “Special Service District Act”) states that the District shall be governed by the Town Council as the legislative body, subject to any delegation to an administrative control board.

Whereas the Town, by resolution, previously delegated its rights, powers, and authority in relation to the District to an administrative control board (the “Board”).

Whereas the Town has the authority, by statute, to at any time modify, limit, or revoke any right, power, or authority delegated to the Board.

Whereas the Town Council finds that no public health, convenience, or necessity requires the continued revocation of the delegation to the Board, rendering Resolution 2019-1 and 2021-18 as null and void.

NOW, THEREFORE, BE IT RESOLVED by the Apple Valley Town Council:

1 No public health, convenience, or necessity exists that requires the revocation of the delegation to the Board.

2. The Town Council of Apple Valley reserves the right of final approval on action taken by the Administrative Control Board pertaining to the sale or transfer of district assets related to water supply, distribution, and storage. This includes wells, tanks, supply lines, and land owned by the district.

~~2.— 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.~~

3. With the exception listed in line 2. ~~¶~~the District’s Administrative Control Board is hereby delegated the power to act as the governing authority of the District and ~~shall have and it~~ is hereby vested with all powers, duties and responsibilities conferred upon such governing authority by the Act, and all laws amendatory and supplemental thereof, and implemented by this Resolution.

4. The Recitals are incorporated herein.

PASSED by the Town Council of Apple Valley, Utah, this 20th day of February, 2024.

SECTION 2: EFFECTIVE DATE This Resolution shall be in full force and effect from February 20, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael L. Farrar, Mayor, Apple Valley