

TOWN OF APPLE VALLEY

RESOLUTION 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.

Recitals

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 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. 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 15th day of June, 2022.

Frank Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

Mayor Frank Lindhardt Voted _____
Councilmember Kevin Sair Voted _____
Councilmember Robin Whitmore Voted _____
Councilmember Marshal McGinnis Voted _____
Councilmember Barratt Nielson Voted _____