

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPOINTING A NEW TRUSTEE TO THE BOARDS OF GATEWAY AT SAND HOLLOW PUBLIC INFRASTRUCTURE DISTRICT NOS. 1, 2, AND 3

WHEREAS Gateway at Sand Hollow Public Infrastructure District Nos. 1, 2, and 3 (the “Districts”) are public infrastructure districts located within the boundaries of Hurricane City, which was the creating entity of the Districts; and

WHEREAS the City Council, as the legislative body of the City, is empowered by Utah Code Title 17B Chapter 1 (the “Local District Act”), Title 17D Chapter 4 (the “PID Act”), and the Governing Document of the Districts, to appoint trustees to the Districts’ Boards of Trustees; and

WHEREAS a seat on the Board of Trustees of each of the Districts has become vacant, and the seats have not yet transitioned to elected seats pursuant to the Governing Document, therefore a new trustee must be appointed to each vacant seat; and

WHEREAS the Governing Documents of the Districts require a vacated seat be filled pursuant to the Local District Act; however, as there are no residents within the boundaries of the Districts, a resident cannot be appointed; and

WHEREAS the PID Act, at Utah Code § 17D-4-202(3)(c), states that a non-resident may only serve as a board member if the person is an owner of land within the Districts, or an agent or officer of the owner of land, and must be a registered voter at that person’s primary residence; and

WHEREAS the owners of land within the Districts have appointed David Sterling, a resident of Leeds, Utah, as their agent to fill the vacant seats on the Boards of Trustees; and

WHEREAS Mr. Sterling is a registered voter at the place of his primary residence,

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah, as follows:

1. David Sterling, of Leeds, Utah, being the only person meeting the qualifications for appointment to the Boards of Trustees of the Districts as stated in Utah Code § 17D-4-202(3)(c), is hereby appointed to fill the vacant seat on the Board of Trustees of each of the Districts.

2. The seats filled by Mr. Sterling were originally held by Jason Curtis, who was appointed to each seat for an initial four-year term. Mr. Sterling will serve the remainder of the initial four-year terms, or until such earlier time as he is unable or unwilling to serve.

3. Mr. Sterling shall be required to maintain his status as a registered voter during the time of his service on the Boards.

BE IT FURTHER RESOLVED that this Resolution shall take effect at the earliest date allowed by law.

PASSED AND APPROVED this 3rd day of October, 2022.



Nanette Billings
Nanette Billings, Mayor

Attest:

Cindy Beteag
Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of October, 2022. Whereupon a motion to adopt and approve said Resolution was made by David Sanders and seconded by Doug Heideman. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	—	<u>X</u>	—	—
Dave Sanders	<u>X</u>	—	—	—
David Hirschi	<u>X</u>	—	—	—
Kevin Thomas	<u>X</u>	—	—	—
Doug Heideman	<u>X</u>	—	—	—

Cindy Beteag
Cindy Beteag