

RESOLUTION NO. R-24-2024

**A RESOLUTION OF THE EAGLE MOUNTAIN CITY COUNCIL CONSENTING TO
REORGANIZATION OF THE TIMPANOGOS SPECIAL SERVICE DISTRICT AS A SPECIAL
DISTRICT**

PREAMBLE

WHEREAS, On September 29, 1976, the County Commission of Utah County (the "Commission") established a special service district known as the Timpanogos Special Service District ("TSSD") for the provision of wastewater collection and treatment services in the northern portions of Utah County, including the cities of Alpine, American Fork, Lehi and Pleasant Grove (the "Original Cities") and nearby unincorporated areas of Utah County.

WHEREAS, After the organization of TSSD, large portions of the original unincorporated area of TSSD have been either annexed into the Original Cities or have become incorporated within the boundaries of newly organized municipalities, namely, Cedar Hills, Eagle Mountain, Highland and Saratoga Springs.

WHEREAS, Some of the communities within the boundaries of TSSD receive only a portion of their wastewater collection and treatment from TSSD; said communities are Draper City (a small portion of the Suncrest development), Eagle Mountain (the portion of the city that lies roughly on the east slope of Lake Mountain) and Vineyard (most of the city's wastewater needs are provided by TSSD but a portion of its wastewater is conveyed to and treated by Orem City);

WHEREAS, At the time TSSD was created, the Commission established an Administrative Control Board (the "ACB") to govern and manage the operations of TSSD.

WHEREAS, At the present time the ACB is composed of thirteen board members who are appointed as follows:

(1) a total of nine city-appointed members, with one each from Alpine, American Fork, Cedar Hills, Draper (the general manager of the South Valley Sewer District), Eagle Mountain, Highland, Lehi, Pleasant Grove, and Saratoga Springs; and

(2) four who are at-large appointees of the Commission.

WHEREAS, By resolutions adopted by the County, the authority for the day-to day- and long-range operations of TSSD, has been delegated to the ACB, including without limitation hiring and retention of employees, acquisition of real and personal property, construction of facilities for conveyance and treatment of wastewater, setting of rates for service, financing/bonding authority, etc.

WHEREAS, The law of the State of Utah provides a process under which a special service district, which is subject to the governance of and oversight by the County, may be

reorganized and become an independent “special district” (see U.C.A. §17D-1-604, the “Reorganization Statute”).

WHEREAS, The County has advised the cities within the boundaries of TSSD of the County’s determination that it will be in the best interests of the County and in the best interests of the cities for TSSD to become fully independent from the County and to be reorganized as a special district, governed by the provisions of Title 17B of the Utah Code. The ACB agrees with the County’s determination that it is in the best interests of the cities and their residents for TSSD to become fully independent as a special district.

WHEREAS, In order for TSSD to be reorganized to become a special district, each city within TSSD must consent to the reorganization.

WHEREAS, The City of Eagle Mountain (the “City”) has determined that it is in the best interests of the City, its residents, and property owners that TSSD be reorganized as a fully independent special district as provided by law, and by this resolution the City desires to memorialize and give its consent to the same.

RESOLUTION

NOW, THEREFORE, it is resolved by the City Council of Eagle Mountain City as follows:

1. The Recitals set forth above are incorporated within this Resolution as though fully set forth herein.
2. The City hereby expressly consents to the reorganization of TSSD as a fully independent special district under Title 17B of the Utah Code, and requests that the Utah County Commission take all such actions as are required to do so.
3. The reorganization of TSSD as a special district under Section 17D-1-604 shall be made under substantially the following terms:
 - a. The name of TSSD will be the Timpanogos Service District (TSD).
 - b. The current boundaries of TSD will remain the same as those of TSSD.
 - c. TSD shall be designated and operated as an “Improvement District” as provided by U.C.A. §17B-2a-401, *et seq.*
 - d. The services authorized to be provided by TSD, namely, wastewater collection and treatment, will remain the same, but may also include reuse of wastewater and other water and resource conservation by the utilization of means allowed by law.

e. Under the Reorganization Statute, the Commission has the authority to appoint the initial members of the TSD board of trustees. The following individuals (including the communities they represent and the end-date for their terms of office) are appointed as voting members of the initial board of trustees:

Trustee	Community	End of Term
Alpine	Lon Lott	6/28/26
American Fork	David Bunker	12/31/25
Cedar Hills	Chandler Goodwin	12/7/26
Eagle Mountain	Mack Straw	12/31/2027 ¹
Highland	Brian Braithwaite	awaiting city council
Lehi	Chris Condie	12/31/24
Pleasant Grove	Neal Winterton	6/7/26
Saratoga Springs	Mark Christensen	1/3/26
Vineyard	Sullivan Love	12/31/2027

f. If any trustee listed above is no longer qualified to serve as a trustee or resigns as a member of the board, a replacement shall be appointed as provided by law.

g. At the conclusion of the term for a trustee listed above, a replacement shall be appointed as provided by law.

h. Each voting member of the board of trustees shall meet the registered voter and residence requirements of U.C.A. §17B-1-302(1), as amended.

i. There shall be no limitation on the re-appointment of a voting member of the board of trustees.

j. The governing board of trustees of TSD shall also include -two (2) *ex-officio* non-voting members as follows:

i. The current Director of the Utah County Department of Public Works or a designee from the Utah County Department of Public Works with knowledge and experience in wastewater treatment;

ii. Representing the portion of the Suncrest development in Draper City that lies within the boundaries of TSD, an executive of the South Valley Sewer District ("SVSD") nominated by the SVSD board of trustees; said executive shall be either the SVSD General Manager, its Chief Financial Officer, or the Facility Manager of the Jordan Basin Water Reclamation Facility; and

iii. There shall be no limitation of time for service on the board by, or re-appointment of, the above-described non-voting *ex-officio* members; the only limitation being that any such individual shall hold the position with Utah County or SVSD as designated in subsections A and B, above.

4. This Resolution shall take effect immediately upon its passage.

5. If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

6. In the event of any conflict between this Resolution and any other enactment of the City, this Resolution shall control.

ADOPTED by the City Council of Eagle Mountain City, Utah this 7th day of May 2024.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Fionnuala B. Kofoed, MMC
City Recorder

The seal is circular with "EAGLE MOUNTAIN" at the top and "CORPORATE SEAL" at the bottom. In the center is a large stylized letter "E". On the left side of the seal, the year "19" is visible, and on the right side, the year "96" is visible, indicating the year 1996.

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City
on the
7th day of May 2024.

Those voting yes:

Those voting no:

Those excused:

Those abstaining:

☒ Donna Burnham

☐ Donna Burnham

☐ Donna Burnham

☐ Donna Burnham

☒ Melissa Clark

☐ Melissa Clark

☐ Melissa Clark

☐ Melissa Clark

☒ Jared Gray

☐ Jared Gray

☐ Jared Gray

☐ Jared Gray

☐ Rich Wood

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☒ Brett Wright

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