Ivins City, Utah

June 2, 2022

The City Council (the "Council") of the Ivins City, Utah (the "City"), met in regular session (including by electronic means) on June 2, 2022, at its regular meeting place in Ivins City, Utah at 5:30 p.m., with the following members of the Council being present:

Chris Hart	Mayor
Dennis Mehr	Council Member
Jenny Johnson	Council Member
Adel Murphy	Council Member
Lance Anderson	Council Member
Mike Scott	Council Member

Also present:

Kari Jimenez	City Recorder
Dale Coulam	City Manager/City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this June 2, 2022, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Council Member _____ and seconded by Council Member _____ adopted by the following vote:

AYE:

NAY:

The resolution was later signed by the Mayor and recorded by the City Recorder in the official records of the City. The resolution is as follows:

RESOLUTION 2022-10R

A RESOLUTION OF THE CITY COUNCIL (THE "COUNCIL") OF IVINS CITY, UTAH (THE "CITY"), AMENDING THE GOVERNING DOCUMENT OF BLACK DESERT PUBLIC INFRASTRUCTURE DISTRICT (THE "DISTRICT") AND INTERLOCAL AGREEMENT RELATED THERETO; AND RELATED MATTERS.

WHEREAS, by a resolution adopted July 15, 2021, the City, as creating entity, previously approved the creation of the District as a public infrastructure district pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the "PID Act") and relevant portions of the Limited Purpose Local Government Entities - Local Districts, Title 17B (together with the PID Act, the "Act") within the boundaries of the City; and

WHEREAS, the District is governed in accordance with the PID Act and the terms of a governing document approved on July 15, 2021 (the "Governing Document") and an Interlocal Agreement between the City and the District, dated July 15, 2021 (the "Interlocal Agreement"); and

WHEREAS, the City and the District desire to amend the Governing Document and the Interlocal Agreement to authorize the District to issue bonds and other forms of debt and financings (together, "C-PACE Bonds") pursuant to and for the purposes outlined in the Commercial Property Assessed Clean Energy Act, Title 42, Chapter 42a, Utah Code (the "C-PACE Act"), to exempt such C-PACE Bonds from certain limitations of the Governing Document, and make additional changes in connection therewith; and

WHEREAS, pursuant to the PID Act, a District is permitted to issue bonds under the C-PACE Act; and

WHEREAS, pursuant to the PID Act, a governing document may be amended by resolutions adopted by the creating entity and the applicable district approving such amendment; and

WHEREAS, it is anticipated that hereafter the District will adopt resolutions approving the amendments contemplated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the amendments contemplated herein, are hereby ratified, approved and confirmed.

2. The amendments to each Governing Document and Interlocal Agreement contained in Exhibit B, are hereby approved by the Council and such amendments shall become effective upon adoption of resolutions by each District approving the same.

3. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

4. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

5. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of the City of Ivins City, Utah, this June 2, 2022.

IVINS CITY, UTAH

By:_____
Mayor

ATTEST:

By:_____
City Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Board of the City adjourned.

By:_____
Mayor

ATTEST:

By:_____
City Recorder

STATE OF UTAH)
: ss.
COUNTY OF WASHINGTON)

I, Kari Jimenez, the undersigned duly qualified and acting City Recorder of the City of Ivins City, Utah ("the City"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the City Council (the "the Council"), had and taken at a lawful meeting of the Council on June 2, 2022, commencing at the hour of 5:30 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this June 2, 2022.

By:_____
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kari Jimenez, the undersigned of the City of Ivins City, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the "Council") on June 2, 2022, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Spectrum at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the Board of (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be (i) posted on _____, at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the City on _____ and (iii) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this June 2, 2022.

By:_____
City Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

FIRST AMENDMENT TO GOVERNING DOCUMENT AND INTERLOCAL AGREEMENT