RESOLUTION NO. 2023-05R

A RESOLUTION OF IVINS CITY, UTAH, APPOINTING A NEW TRUSTEE TO THE BOARD OF BLACK DESERT PUBLIC INFRASTRUCTURE DISTRICT

WHEREAS, the Black Desert Public Infrastructure District (the "District") is a public infrastructure district located within the boundaries of Ivins City, which was the creating entity of the District; 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 District, to appoint trustees to the District's Board of Trustees; and

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

WHEREAS, the Governing Document of the District requires a vacated seat be filled pursuant to the Local District Act; however, as there are no residents within the boundaries of the District, 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 District, 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 District have appointed Stephenie Nast as their agent to fill the vacant seat on the Board of Trustees; and

WHEREAS, Ms. Nast is a registered voter in Washington County, Utah, and

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of Ivins, Utah, as follows:

1. Stephenie Nast, being the only person meeting the qualifications for appointment to the Board of Trustees of the District as stated in the PID Act, Utah Code § 17D-4-202(3)(c), is hereby appointed to fill the vacant seat on the Board.

2. The seat filled by Ms. Nast was originally held by Paul Bringhurst, who was appointed for an initial four-year term. Ms. Nast will serve the remainder of the initial four-year term, or until such earlier time as she is unable or unwilling to serve.

3. Ms. Nast shall be required to maintain her status as a registered voter during the time of her service on the Board.

Severability. If any section, clause, or portion of this resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

EFFECTIVE DATE: This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2023 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Dennis Mehr	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez
City Recorder