

The Town of Eagle Mountain

RESOLUTION No. 11-99

A RESOLUTION AGREEING TO MEMBERSHIP IN UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS AMENDED AND RESTATED AGREEMENT FOR JOINT AND COOPERATIVE ACTION AND A POWER POOLING AGREEMENT WITH UAMPS; AND RELATED MATTERS.

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WHEREAS, the Town of Eagle Mountain, Utah County, Utah, a municipal corporation and a political subdivision of the State of Utah (the "*Town*") is authorized by the Constitution and laws of the State of Utah to (i) acquire, construct, own and operate electric generating and distribution facilities, (ii) enter into contracts for the purchase and sale of electric power and energy and (iii) enter into agreements for the joint exercise of powers with other public entities located within and without the State of Utah;

WHEREAS, Utah Associated Municipal Power Systems, a political subdivision of the State of Utah ("*UAMPS*") has been organized pursuant to the laws of the State of Utah by certain political subdivisions of the States of Utah, Arizona and Idaho (collectively, the "*Members*") each of which possesses legal power and authority to (i) acquire, construct, own and operate electric generating and distribution facilities, (ii) enter into contracts for the purchase and sale of electric power and energy and (iii) enter into agreements for the joint exercise of powers with other public entities;

WHEREAS, UAMPS has been organized to accomplish the purposes of the joint and cooperative action of the Members as set forth in the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action dated as of February 17, 1999 (the "*Joint Action Agreement*"), which purposes include the acquisition, construction, ownership and operation of facilities for the generation of electric power and energy, the execution of contracts for the purchase and sale of electric power and energy and various other purposes so as to secure reliable and economic sources of power and energy for the Members and thereby enhance the operations of the Members' respective municipal electric systems:

WHEREAS, the Town now desires to become a member of UAMPS pursuant to the provisions of the Joint Action Agreement and in accordance with the provisions of applicable Utah law, including Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the "*Interlocal Cooperation Act*");

WHEREAS, the Joint Action Agreement requires that the Town adopt and file with UAMPS a resolution agreeing to membership in UAMPS and accepting the terms and conditions of the Joint Action Agreement and that the Town enter into a Power Pooling Agreement (the "*Power Pooling Agreement*") with UAMPS; and

WHEREAS, the Town now desires to authorize the execution and delivery of the Joint Action Agreement and the Power Pooling Agreement and the taking of other necessary actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Town of Eagle Mountain, Utah County, Utah, as follows:

*Section 1. Membership in UAMPS; Execution, Delivery and Filing of the Joint Action Agreement.* (a) The Town hereby agrees to become a member of UAMPS under and pursuant to the Joint Action Agreement as heretofore executed by the Members of UAMPS and the By-Laws adopted by the Board of Directors of UAMPS thereunder, in the forms attached as *Exhibit A* and *Exhibit B*, respectively to this Resolution. The Joint Action Agreement is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Joint Action Agreement on behalf of the Town, and the Town Clerk is hereby authorized, empowered and directed to attest, countersign and affix the corporate seal of the Town to the Joint Action Agreement.

(b) Promptly upon its execution, the Joint Action Agreement shall be filed in the official records of the Town, in accordance with the provisions of the Interlocal Cooperation Act.

*Section 2. Execution of Power Pooling Agreement.* The Power Pooling Agreement, in the form attached as *Exhibit C* to this Resolution, is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Power Pooling Agreement on behalf of the Town, and the Town Clerk is hereby authorized, empowered and directed to attest, countersign and affix the corporate seal of the Town to the Joint Action Agreement.

*Section 3. Other Actions with Respect to the Joint Action Agreement.* (a) For all purposes of the Joint Action Agreement John Newman is hereby appointed as the Town's Representative to UAMPS and \_\_\_\_\_ is hereby appointed as the Town's Alternate Representative to UAMPS. Such appointment shall remain in effect until the resignation or removal of such individuals as the Town's Representative and Alternate Representative to UAMPS.

(b) The Mayor, the Town Clerk and other officers and employees of the Town shall take all actions necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all actions necessary to carry out the execution and delivery of the Joint Action Agreement, the Power Pooling Agreement and the performance of each thereof.

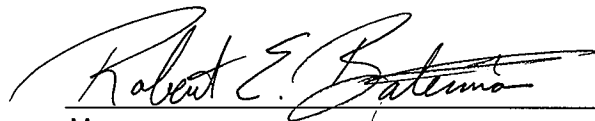
*Section 4. Miscellaneous; Effective Date.* (a) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

(c) This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 3<sup>RD</sup> day of AUGUST, 1999.

TOWN OF EAGLE MOUNTAIN, UTAH COUNTY,  
UTAH

  
\_\_\_\_\_  
Mayor

ATTEST AND COUNTERSIGN:

  
\_\_\_\_\_  
Town Clerk

[SEAL]



STATE OF UTAH )  
 )  
COUNTY OF UTAH )

I, the undersigned, do hereby certify that I am the duly qualified and acting Town Clerk of the Town of Eagle Mountain, Utah County, Utah (the "Town"). I further certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that:

(1) the town is a duly organized and existing Town; the Town has not adopted a charter pursuant to the Utah Constitution or an optional plan for city government pursuant to the Optional Forms of Municipal Government Act, Sections 10-3-1201 *et seq.* of the Utah Code Annotated 1953, as amended (the "Utah Code"); the legislative powers of the Town are by law vested in a Town Council composed of five members, one of whom is the Mayor of the Town (the "Governing Body"); and neither the corporate existence of the Town, nor the titles of the members of the Governing Body or the officers of the Town are being contested;

(2) the Governing Body met in regular public session on Aug. 3, 1999, (the "Meeting"), to consider and act upon the items listed on the Notice of Public Meeting attached as EXHIBIT A hereto (the "Notice"), which included, among other things, consideration of the resolution attached hereto as EXHIBIT B (the "Resolution");

(3) the Meeting was held at the regular meeting time and place of the Governing Body within the boundaries of the Town all as set forth in the Town's notice of annual meeting schedule for 1999 which had been posted and provided in accordance with Section 52-4-6(1), of the Utah Code;

(4) in accordance with the requirements of Section 52-4-6(2), Utah Code, not less than 24 hours public notice of the agenda, date, time and place of the Meeting was given by the posting of the Notice at the principal office of the Governing Body and by providing a copy of the Notice to a newspaper of general circulation within the geographic jurisdiction of the Town or to a local media correspondent;

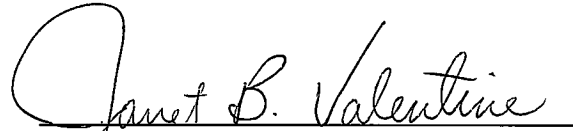
(5) a quorum of the Governing Body was present and acting throughout the Meeting; during the Meeting, the Resolution was introduced in written form and pursuant to motion duly made and seconded was adopted and approved by a vote of at least a majority of the members of the Governing Body present and voting at the Meeting;

(6) the Resolution was signed by the Mayor, was sealed, attested and countersigned by the undersigned, as Town Clerk and the Resolution, its exhibits, and the minutes of the Meeting are recorded in the official records of the Town kept in the office of the Town Clerk;

(7) pursuant to the authority vested in them by the Resolution, multiple counterparts of the Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action dated as of February 17, 1999 (the "Joint Action Agreement") and the Power Pooling Agreement between the Town and Utah Associated Municipal Power Systems, in substantially the forms presented at the Meeting, were duly executed by the Mayor and were sealed, attested and countersigned by the undersigned, as Town Clerk; the Joint Action Agreement has been approved by an attorney duly authorized by the Town as being in proper form and compatible with the laws of the State of Utah pursuant to Section 11-13-9, Utah Code; and a true, correct and complete counterpart of the Joint Action Agreement has been filed in the office records of the Town in compliance with Section 11-13-10, Utah Code; and

(8) all conditions, acts and things required by law to exist, to have happened and to be performed by the Town preliminary to and in connection with the execution and delivery of the Joint Action Agreement exist, have happened and have been performed.

IN WITNESS WHEREOF, I have subscribed my official signature and impressed or imprinted hereon the official seal of the Town this day, August 12, 1999.



Town Clerk  
Town of Eagle Mountain  
Utah County, Utah



**EXHIBIT A**

[Attach Public Notice of Meeting]

A G E N D A  
EAGLE MOUNTAIN TOWN COUNCIL MEETING  
Tuesday, August 03, 1999 at 7:00 p.m.  
Eagle Mountain Community Center, 1668 E. Heritage Drive  
Eagle Mountain, Utah 84043

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**WORK SESSION - No Action or Minutes Taken - 4:30 to 6:30 p.m. - 2218 E. Valley Dr., Eagle Mtn.**

1. Warrant Register/Jeri Wilson
2. Class II Final Plat Approvals/Ken Leetham
  - A. Saddleback, Plat C (R-6 N-4 & 5)
  - B. Three Crossings, Plats A & B (R-6 N-4 & 5)
  - C. Cedar Trail Villages, Phases 1 & 2
  - D. Trailhead Condominiums
  - E. Overland Trails, Phases 4 & 5
3. Revisions to the Development Code relating to expiration of permits & approvals
4. Building Permit Rebates
5. Copier Purchase for the Town Offices
6. Road Right-of-Way and Easement Dedication Agreement with the State School & Institutional Trust Lands Administration
7. School in Eagle Mountain
8. Eagle Mountain General Plan
9. Medical First Response
10. UAMPS Agreements
11. Engagement Letter with GVNW Consulting, Inc. - Telecommunications Project

**I N T E R M I S S I O N - C h a n g e o f V e n u e**

**POLICY SESSION - 7:00 to 10:30 p.m. Eagle Mountain Community Center**

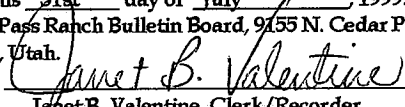
1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes
5. General Discussion - Questions - Announcements
6. Appointments
7. Public Comment (comments regarding subjects not listed on the agenda)
8. Public Hearing:
  - A. Proposed revisions to the Eagle Mountain Development Code relating to the expiration of development permits and approvals.
  - B. Close Public Hearing

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THE PUBLIC IS INVITED TO ATTEND ALL OPEN TOWN COUNCIL MEETINGS  
In Compliance with the Americans with disabilities Act, individuals needing special accommodations during this meeting, notify Janet Valentine, Recorder at the Eagle Mountain Town Offices at least 3 days in advance.

C E R T I F I C A T E O F P O S T I N G

The undersigned, duly appointed Clerk/Recorder, does hereby certify that the above notice and agenda was posted in three public places within Eagle Mountain Town Limits on this 31st day of July, 1999. These public places being 1) Town Offices, 1680 E. Heritage Dr. 2) Cedar Pass Ranch Bulletin Board, 9155 N. Cedar Pass Rd., and 3) Meadow Ranch Subdivision Bulletin Board, Eagle Mountain, Utah.

  
Janet B. Valentine, Clerk/Recorder

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Eagle Mountain Community Center, 1668 E. Heritage Drive  
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9. Consideration to approve an Ordinance Revising the Eagle Mountain Development Code relating to the Expiration of Development Permits and Approvals.
10. Consideration to approve a Resolution regarding a School in Eagle Mountain
11. Consideration to approve Building Permit Rebates
12. Consideration to approve an engagement letter between GVNW Consulting, Inc. and the Town of Eagle Mountain for a Telecommunications Project.
13. Consideration to approve the purchase of a copier for the town offices of Eagle Mountain
14. Motion to approve Consent Agenda Items as follows: (refer to work session)
  - A. Warrant Register
15. Consideration to approve a "Road Right-of-Way and Easement Dedication Agreement" with the State of Utah School and Institutional Trust Lands Administration
16. Class II Final Plat Approvals
  - A. Saddleback, Plat C (R-6 N-4 & 5)
  - B. Three Crossings, Plats A & B (R-6 N-4 & 5)
  - C. Cedar Trail Villages, Phases 1 & 2
  - D. Trailhead Condominiums
  - E. Overland Trails, Phases 4 & 5
17. Medical First Response
18. UAMPS Agreements
19. Revisions & Update to the Eagle Mountain General Plan
20. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issue and / or possible litigation
21. Any action from the Closed Executive Session
22. Adjournment

APPROVAL: Robert E. Bateman DATE: 8/10/99  
Mayor Robert E. Bateman

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Janet B. Valentine  
Janet B. Valentine, Clerk/Recorder



**EXHIBIT B**

[Attach Resolution]

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