

RESOLUTION NO. 2864

A RESOLUTION OF THE GRAND COUNTY COUNCIL ALLOCATING MINERAL LEASE FUNDS FOR 2009

WHEREAS, Sections 59-21-2-(2) Utah Code Annotated established a Mineral Lease Account and provides for the distribution of monies received by the State of Utah from the United States under the provisions of the Act of Congress of February 25, 1920, known as the "Mineral Lease Lands leasing Act", U.S.C. Sec. 191, and

WHEREAS, Section 59-21-2-(2) Utah Code Annotated enumerates the requirements associated with the allocation of monies from the Mineral Lease Account to Utah counties, and

WHEREAS, Section 59-21-2-(2)(h)(i) of the Utah Code Annotated states (*emphasis added*) "The Legislature shall annually appropriate to the Department of Transportation 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection (2)(h)(ii) to:

(A) counties;

(B) *special service districts established:*

(I) *by counties;*

(II) *under Title 17D, Chapter 1, Special Service District Act; and*

(III) *for the purpose of constructing, repairing, or maintaining roads; or*

(C) *special service districts established:*

(I) *by counties;*

(II) *under Title 17D, Chapter 1, Special Service District Act; and*

(III) *for other purposes authorized by statute"; and*

WHEREAS, Section 59-21-2-(2)(h)(ii) of the Utah Code Annotated states (*emphasis added*) "The Department of Transportation shall allocate the funds specified in Subsection (2)(h)(i):

(A) *in amounts proportionate to the amount of mineral lease money generated by each county; and*

(B) *to a county or special service district established by a county under Title 17D, Chapter 1, Special Service District Act, as determined by the county legislative body."; and*

WHEREAS, these funds shall be known as "Mineral Lease Funds", and

WHEREAS, Section 59-21-2(j)(i) of the Utah Code Annotated states (*emphasis added*) "The Legislature shall annually make the following appropriations from the Mineral Lease Account:

(A) *an amount equal to 52 cents multiplied by the number of acres of school or institutional trust lands, lands owned by the Division of Parks and Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each county in which those lands are located; and*

WHEREAS, Section 59-21-2(j)(ii) of the Utah Code Annotated states (*emphasis added*) "A county receiving money under Subsection (2)(j)(i) may, as determined by the county legislative body, distribute the money or a portion of the money to:

(A) special service districts established by the county under Title 17D, Chapter 1, Special Service District Act;

(B) school districts; or

(C) public institutions of higher education"; and

WHEREAS, this allocation shall be known as "State Payment in Lieu of Taxes (PILT)", and

WHEREAS, the Grand County Council wishes to allocate Mineral Lease and State PILT according to the provisions of Sections 59-21-2 Utah Code Annotated,

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND COUNTY COUNCIL, STATE OF UTAH, THAT: Mineral Lease and State PILT received during calendar year 2009 shall be distributed in the following manner:

Mineral Lease: 33.3 % of funds received in the year 2009 to the Canyonlands Health Care Special Service District.

33.3 % of funds received in the year 2009 to the Solid Waste Special Service District No. 1.

33.3 % of funds received in the year 2009 shall be allocated to the proposed Grand County Transportation Special Service District. If this district is not established, the remainder of the funds will be dispersed equally among the other special service districts.

Further, County Staff shall provide the Utah Department of Transportation a copy of this resolution as notification of the Grand County Council's 2009 allocation of Mineral Lease funds.

State PILT: 30 % of funds received in the year 2009 shall be allocated to the Grand County Recreation Special Service District No. 1.

40 % of funds received in the year 2009 shall be allocated to the proposed Grand County Transportation Special Service District. If this district is not established, the remainder of the funds will be dispersed equally among the other special service districts.

30 % of funds received in the year 2009 shall be allocated to the Grand County School District.

Further, County Staff shall provide the Grand County Treasurer's Office a copy of this resolution as notification of the Grand County Council's 2009 allocation of the State PILT.

PASSED AND APPROVED THIS 16th DAY OF DECEMBER, 2008, BY THE FOLLOWING VOTE:

AYE: McNeely, Graham, Greenberg, Holyoak

NAY: Ciarus, Langianese, Lewis

ABSENT: _____

ATTEST:

Diana Carroll
Diana Carroll, Clerk/Auditor

GRAND COUNTY COUNCIL

Gene L. Ciarus
Gene L. Ciarus, Chair