

RESOLUTION NO. 2024-01

**A RESOLUTION OF SUMMIT COUNTY SERVICE AREA NO. 3
DECLARING A VACANCY ON THE BOARD OF TRUSTEES**

WHEREAS, Lori Daniells was elected to the Board of Trustees for Summit County Service Area #3 (“Service Area”) to represent [Upper] Silver Creek Estates (plats A, B, C);

WHEREAS, Trustee Daniells’ term began on January 1, 2019, and expired on December 31, 2023;

WHEREAS, Trustee Daniells did not seek to run for re-election; and

WHEREAS, due to staff turnover, the Service Area did not publish notice of the filing deadlines for declarations of candidacy pursuant to Utah Code § 17B-1-306(3); and

WHEREAS, no person filed a declaration of candidacy under Utah Code § 17B-1-306 or a write-in declaration of candidacy under Utah Code § 17B-1-306(5)(g) and Utah Code § 20A-9-601;

WHEREAS, Utah Code § 17B-1-306(5)(h) states that “if at least one individual does not file a declaration of candidacy...an individual shall be appointed to fill that board position in accordance with the appointment provisions of Section 20A-1-512;” and

WHEREAS, in turn, Utah Code § 20A-1-512(1)(a)(i) provides that “[w]hen a vacancy occurs on any special district board for any reason, the [special district board] shall appoint a replacement to serve out the unexpired term...if the person vacating the position was elected” (emphasis added); and

WHEREAS, the provisions of Utah Code § 17B-1-306(15), which authorizes some special districts whose board members are elected by property owners to hold elections to fill mid-term elections, do not apply to the Service Area because its Board Members are elected by all of the registered voters within its jurisdiction and are not limited to property owners, meaning that the appointment process in Utah Code § 20A-1-512 is the only process by which the Service Area can fill Trustee Daniells’ seat.

NOW, THEREFORE, be it **RESOLVED** by the Board of Trustees of Summit County Service Area #3 (the “**Board**”) that, effective immediately:

- Because no person filed a declaration of candidacy for Trustee Daniells’ seat, the Board is required to appoint a successor Trustee pursuant to Utah Code § 17B-1-306(5)(h) and Utah Code § 20A-1-512(1)(a)(i).
- Trustee Daniells’ seat on the Board is declared to be vacant; and
- The Board expresses its sincere appreciation for Trustee Daniells’ service to the Service Area and its residents; and
- Pursuant to Utah Code Ann. § 20A-1-512(1)(b), the Board will hold a public meeting at the next Board meeting to consider applicants to fill the vacancy; and
- Staff is instructed to prepare and publish notice of the vacancy and public meeting to fill the vacancy in accordance with Utah Code Ann. § 20A-1-512(1)(b); and
- Staff is instructed to remove Trustee Daniells’ name from the Utah Public Notice Website and the Service Area’s website and to indicate that the seat is “vacant” within 30 days of the date of this resolution pursuant to Utah Code Ann. § 17B-1-303(9); and
- Staff is instructed to take any other steps needed to implement this resolution.

ADOPTED AND PASSED this 23rd day of January, 2024.

BOARD OF TRUSTEES OF SUMMIT COUNTY SERVICE AREA NO. 3.

By:  _____

, Chair

ATTEST:

 Board Clerk

VOTING

Trustee Paul Kraus voting YEA

Trustee Suzanne Carpenter voting YEA

Trustee Larry Elbert voting YEA

Trustee Scott Sharp voting YEA

VACANT N/A

VACANT N/A

VACANT N/A