

FABIAN VANCOTT

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December 12, 2023

Hon. Scott Bartholomew, Chair
Hon. Reed Hatch
Hon. Scott Collard
Sanpete County Commission
160 North Main
P.O. Box 157
Manti, UT 84642

Re: Skyline Mountain Resort's Request for Sanpete County Authority Over
Skyline Mountain Special Service District's Assessments

Dear Commissioners:

We are writing to you on behalf of Skyline Mountain Resort ("SMR"). It has come to our attention that the administrative board of control of the Skyline Mountain Resort Special Service District (the "SSD") has scheduled a public hearing and board meeting on December 28, 2023, at the Fairview Senior Citizen Center to vote on substantive financial matters that will directly affect all members of SMR. The financial issues include rate increases, 2023-3 Rate Increase, Proposed Year-end 2023 Budget, Proposed 2024 Final Budget, Resolution 2023-2 Impact Fees (a 120-page document), and matters that potentially increase the SSD's indebtedness.

Notice (copy attached) of the December 28, 2023 meeting has been posted on the SSD's website. A notice (copy attached) of the meeting was also emailed to some SMR members on December 10, 2023, which admittedly did not provide members with the required 30-day notice.

The meeting proposed by the SSD appears to potentially violate the Utah Code which prevents Sanpete County from delegating authority for such financial matters to the SSD Board:

- (3) A county or municipal legislative body may not delegate to an administrative control board of a special service district the power to:
- *****
- (c) levy a tax on the taxable property within the special service district;
 - (d) issue special service district bonds payable from taxes;
 - (e) call or hold an election for the authorization of a property tax or the issuance of bonds;
 - (f) levy an assessment;
 - (g) issue interim warrants or bonds payable from an assessment. . . .

Utah Code §17D-1-301(3)(c)-(g)(2015).

Furthermore, Sanpete County can modify, limit, or revoke any right, power or authority delegated to the administrative control board of the SSD at any time:

- (4)(a) A county or municipal legislative body that has delegated a right, power, or authority under this section to an administrative control board may at any time modify, limit, or revoke any right, power, or authority delegated to the administrative control board.

Utah Code §17D-1-301(4)(a).

In summary, Sanpete County has not, and cannot, give the SSD authority to decide substantive financial issues for SMR at a hastily called SSD meeting.

In addition, the Skyline Mountain Special Service District Resolution No. 04-21-98, recorded June 22, 1999, with the Sanpete County Recorder, states that any annual levy of taxes, fees, or charges upon taxable property within the District, in order to provide services or to repay bonds "must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose."

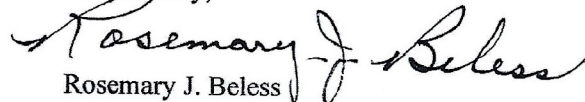
Consequently, an election should be held by Sanpete County and combined with other issues on a ballot so that SMR members have specific notice of the individual financial issues that affect their properties and an opportunity to vote upon these financial matters.

We hereby request that these financial matters be submitted to the Sanpete County Commissioners and be included on the ballot for an election within Sanpete County.

We are writing not to delay the on-going functions and operations of the SSD, but to give SMR members an opportunity to exercise their rights of due process in regards to their properties.

Please advise us of your decision on this matter.

Respectfully,


Rosemary J. Beless

RJB/mab

cc: M. Roy Fox, District Manager
SMSSD Trustees
Beca Mark, District Clerk
Kevin Daniels, Sanpete County Attorney

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Linda Christiansen, Sanpete County Clerk
Steven Jenson, Zoning Administrator, Sanpete County
Kim Hansen, SMR Manager
J. Craig Smith, SMSSD Attorney

Enclosure

4859-2193-6022



SMSSD Rate-Increase Hearing, Budget Hearing, & Board Meeting

Thursday, December 28, 2023 | 6:00pm-9:00pm MT

Location: Fairview Senior Citizen Center, 160 N 100 W, Fairview, Utah 84629

Public Hearing for Rate Increase

1. Rate Hearing increase
2. Resolution 2023-3 Rate Increase
3. Public input (2-minute limit)

Public Hearing for Budget

1. Proposed year-end 2023 Budget
2. Proposed 2024 Final Budget
3. Public input (2-minute limit)

Board Meeting

1. Approval of last meeting's minutes
2. Approval of financials
3. Resolution 2023-2 Impact Fees* (see **Note #1**)
4. Update on water system
5. State Compliance
 - a. Water Sizing Letter Sent to County
 - i. Letter from SMR Sent to County
 - b. Completed Independent Audit
 - c. Completed Utah Census
 - d. In process of putting all Auditor Reports on website (www.smssdutah.com)
 - e. Lead and Copper Rule
6. Report from SMSSD/SMR Liaison
7. New / Old Business
8. Open time for customers on Agenda
9. Executive Meeting
10. Adjourn

* **Note #1:** 2023-2 Resolution is 120 pages including attachments. We will have five (5) copies available at the meeting (due to unknown number of customers to be in attendance). An electronic version will be posted at www.smssdutah.com for viewing.



Members of SMR and customers of SMSSD.

It is a busy time of year as we all prepare for the holidays and a time to gather with family and friends. We wish you all the best and a very Merry Christmas.

This is also a reminder that there is a rate increase public hearing; a 2024 public budget hearing; and a year-end SMSSD Board meeting all scheduled sequentially for 6:00 PM on December 28th at the Senior Center in Fairview.

We apologize in advance for the timing of this hearing as we were tentatively planning for mid-December but were reminded by state statute at the calendar posting time, that rate increase hearings require a 30-day lead time as opposed to the typical 14-day lead time for other meetings. The information for this meeting was posted on the State meeting website, the SMSSD website, and at the clubhouse on November 28th. We look forward to hearing your thoughts.

Merry Christmas
Your SMSSD Board

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Check out our site 

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