

RESOLUTION NO. ____ (2023)

**A RESOLUTION OF THE GRAND COUNTY COMMISSION
ALLOCATING MINERAL LEASE FUNDS
AND STATE PILT
RECEIVED DURING CALENDAR YEAR 2023
TO BE APPROPRIATED BY THE STATE OF UTAH
DURING FISCAL YEARS 2023/24**

WHEREAS, Section 59-21-2-(2)(a) 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 Lands Leasing Act of 1920", 30 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

I. Regarding Utah Division of Finance (UDOF)-Appropriated Mineral Lease Funds:

WHEREAS, Section 59-21-2-(2)(h)(i) of the Utah Code Annotated states (*emphasis added*) "The Legislature shall annually appropriate to the Division of Finance 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 Division of Finance 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, this allocation shall be known as "UDOF-Appropriated Mineral Lease Funds," more specifically described in 59-21-2(2)(a)-(k); and

II. Regarding Department of Workforce Services (DWS)-Appropriated Mineral Lease Account Funds:

WHEREAS, Section 59-21-2-(2)(i)(i) of the Utah Code Annotated states (*emphasis added*) “The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to the Department of Workforce Services (DWS) to be distributed as provided in Subsection (2)(i)(i) to:

(A) *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*

(B) *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, Special Service Districts established by Grand County under Title 17D, Chapter 1, Special Service District Act meet the requirements contained in Section 59-21-2-(2)(i)(ii) of the Utah Code and are eligible for appropriations of said funds in accordance with Section 59-21-2-(2)(i)(iv); and

WHEREAS, Section 59-21-2-(2)(i)(iv)(B) of the Utah Code Annotated states (*emphasis added*) “(B) after making the allocations described in Subsection (2)(i)(iv)(A), *distribute the allocated revenues to special service districts established by the counties under Title 17D, Chapter 1, Special Service District Act*, as determined by the executive director of the Department of Workforce Services after consulting with the *county legislative bodies of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii)*”; and

WHEREAS, this allocation shall be known as “DWS-Appropriated Mineral Lease Funds” more specifically described in 59-21-2-(1)(a)-(d); and

III. Regarding State PILT (Payment in Lieu of Taxes):

WHEREAS, Section 59-21-2-(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-(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 PILT”; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND COUNTY COMMISSION, STATE OF UTAH, THAT UDOT-Appropriated Mineral Lease Funds, DWS-Appropriated Mineral Lease Funds, and State PILT, each received by the State during calendar year 2023 shall be distributed in the following manner:

I. UDOF-Appropriated Mineral Lease:

23% of funds received in calendar year 2023 shall be allocated to the Grand County Recreation Special Service District No. 1.

57% of funds received in calendar year 2023 shall be allocated to the Grand County Transportation Special Service District.

10% of funds received in calendar year 2023 shall be allocated to the Grand County School District.

Further, County Staff shall provide the Utah Division of Finance a copy of this resolution as notification of the Grand County Commission's 2023 allocation of UDOT-Appropriated Mineral Lease Funds.

II. DWS-Appropriated Mineral Lease:

65% of funds received in calendar year 2023 shall be allocated to the Grand County Recreation Special Service District No. 1.

35% of funds received in calendar year 2023 shall be allocated to the Solid Waste Management Special Service District No. 1.

Further, County Staff shall provide the Utah Department of Workforce Services a copy of this resolution as notification of the Grand County Commission's 2023 allocation of DWS-Appropriated Mineral Lease Funds.

III. State PILT:

50% of funds received in calendar year 2023 shall be allocated to the Emergency Medical Services Special Service District.

30% of funds received in calendar year 2023 shall be allocated to the Grand County Recreation Special Service District No. 1.

20% of funds received in calendar year 2023 shall be allocated to the Grand County School District.

Further, County Staff shall provide the Utah Department of Finance a copy of this resolution as notification of the Grand County Commission's 2023 allocation of State PILT.

PASSED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2022, BY THE FOLLOWING VOTE:

AYE:

NAY:

ABSENT:

ATTEST:

GRAND COUNTY COMMISSION

Gabriel Woytek, Clerk/Auditor

Jacques Hadler, Chair