

1988

Salt Lake County v. The Board of Education of the Granite School District : Unknown

Utah Supreme Court

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BRIEF

November 21, 1989

NOV 31 1989

CKET NO: 880077

Mr. Geoffrey J. Butler
Court Clerk
Utah Supreme Court
332 State Capitol Building
Salt Lake City, Utah 84111

Re: Salt Lake County v. The Board of Education of the
Granite School District, et al.
Case No. 880077

Dear Mr. Butler:

This is in response to the letter of the Granite School District dated November 16, 1989, citing additional authority in the captioned matter.

The California cases cited by Granite are contrary to Utah cases previously cited in the County's brief where fees used for capital improvements have been held not to be the equivalent of assessments. The only authority for counties to levy assessments is under an improvement district. Utah Code Ann. 17-7-1, et seq. Although §17-7-38 provides that the chapter does not deprive local governments of the authority to levy assessments "under authority of any other laws of this state," no other state law granting counties the authority to levy assessments now exists.

Very truly yours,

KENT S. LEWIS
Deputy County Attorney
Civil Division
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R650
cc: Jodi Knobel Feuerhelm