

RESOLUTION NO. _____, 2018

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING
EXECUTION OF AMENDMENT NO. 1 TO THE INTERLOCAL
COOPERATION AGREEMENT WITH THE COTTONWOOD HEIGHTS
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY.

W I T N E S S E T H

- A. The County and the Agency are public agencies as defined by the Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 to -315 (2014) (the "Interlocal Act"). Section 11-13-202 of the Interlocal Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action; and
- B. The County and the Agency entered into an interlocal agreement effective as of March 31, 2018 (the Agreement), which Agreement is identified as Salt Lake County Contract No. 0000001789; and
- C. Section 15 of the Agreement permits written changes to be made to the Agreement upon mutual consent of the parties; and
- D. The Parties now desire to amend the terms of the Agreement to provide for additional funding and a different funding source, as more particularly set forth below.

R E S O L U T I O N

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Council of Salt Lake County:

- 1. That Amendment No. 1 to the Interlocal Agreement between Salt Lake County and the Cottonwood Heights Community Development and Renewal Agency is approved, in substantially the form attached hereto as **ATTACHMENT A**, and that the Salt Lake County Mayor is authorized to execute the same.
- 2. That the Amendment to the Interlocal Agreement will become effective as stated in the Amendment to the Interlocal Agreement.

APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah, this _____
day of _____, 2018.

Aimee Winder Newton, Chairperson

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

VOTING

Council Member Bradley	_____
Council Member Bradshaw	_____
Council Member Burdick	_____
Council Member DeBry	_____
Council Member Granato	_____
Council Member Jensen	_____
Council Member Newton	_____
Council Member Snelgrove	_____
Council Member Wilson	_____

APPROVED AS TO FORM:

/s/ Dianne R. Orcutt
Deputy District Attorney

ATTACHMENT A

**Amendment No. 1 to the Interlocal Cooperation Agreement between Salt Lake County and the
Cottonwood Heights Community Development and Renewal Agency**

AMENDMENT NO. 1
of the
INTERLOCAL COOPERATION AGREEMENT
between
SALT LAKE COUNTY
and
COTTONWOOD HEIGHTS COMMUNITY
DEVELOPMENT AND RENEWAL AGENCY

This First Amendment to the Agreement between Salt Lake County, a body corporate and politic of the State of Utah ("County") and Cottonwood Heights Community Development and Renewal Agency, a Utah community development and renewal agency (the "Agency"), is entered into this ____ of _____, 2018. The County and the Agency are sometimes referred to collectively as the "Parties" and either may be referred to individually as a "Party," all as governed by the context in which such words are used.

RECITALS

- A. The County and the Agency are public agencies as defined by the Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 to -315 (2014) (the "Interlocal Act"). Section 11-13-202 of the Interlocal Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action; and
- B. The County and the Agency entered into an interlocal agreement effective as of March 31, 2018 (the Agreement), which Agreement is identified as Salt Lake County Contract No. 0000001789; and
- C. Section 15 of the Agreement permits written changes to be made to the Agreement upon mutual consent of the parties; and
- D. The Parties now desire to amend the terms of the Agreement to provide for additional funding and a different funding source, as more particularly set forth below.

THEREFORE, in consideration of the mutual desires of the Parties expressed herein, it is agreed as follows:

AMENDMENT

1. The following WHEREAS paragraph, is deleted:

WHEREAS, during the 2015 General Session, the State Legislature amended Section 72-2-121 of the Utah Transportation Code, Utah

Code Ann. §§ 72-1-101 *et seq.*, to provide for the transfer of \$25,000,000 from the County of the First Class Highway Projects Fund to the legislative body of the County to be used for certain transportation purposes (hereinafter “County Transportation Funds”); and

and replaced as follows:

WHEREAS, during the 2018 General Session, the State Legislature amended Section 72-2-121 of the Utah Transportation Code, Utah Code Ann. §§ 72-1-101 *et seq.*, to add to the distribution of revenue requirements in the County of the First Class Highway Projects Fund a distribution for parking facilities in a county of the first class; and

2. The following WHEREAS paragraph, is deleted:

WHEREAS, the County desires to use County Transportation Funds to further regional development within Salt Lake County by financing all or a portion of the costs of certain transportation projects throughout the County in accordance with Section 72-2-121 of the Utah Transportation Code and all other applicable federal, state and local laws, rules and regulations; and

and replaced as follows:

WHEREAS, the County desires to use County of the First Class Highway Projects Fund (hereinafter “County Transportation Funds”) to further regional development within Salt Lake County by financing all or a portion of the costs of certain transportation projects throughout the County in accordance with Section 72-2-121 of the Utah Transportation Code and all other applicable federal, state and local laws, rules and regulations; and

3. Both references to “Six Million Dollars (\$6,000,000)” in the Agreement shall be replaced with “Seven Million Seven Hundred and Fifty Thousand Dollars (\$7,750,000).”
4. All Parts, Paragraphs, Attachments and other provisions of the Agreement and any prior amendments thereof not specifically modified by this amendment shall be the same and remain in full force and effect. If this Amendment is executed more recently than the expiration of the period of performance stated in the underlying agreement, then this Amendment shall relate back to and be effective from the last day of the previous period of performance.

[The balance of this page was left blank intentionally – Signature pages follow]

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed as of the date shown above.

SALT LAKE COUNTY:

By _____
Mayor Ben McAdams or Designee

Dated: _____, 2018

Approved by:

DEPARTMENT OF REGIONAL
TRANSPORTATION, HOUSING, AND
ECONOMIC DEVELOPMENT

By 
Carlton J. Christensen
Department Director

Dated: October 17, 2018

Approved as to Form and Legality:

By 
Deputy District Attorney

[Signatures continue on next page.]

**COTTONWOOD HEIGHTS COMMUNITY
DEVELOPMENT AND RENEWAL AGENCY**

By _____
Name: Michael J. Peterson
Title: Chairman
Dated: _____, 2018

By _____
Name: Paula Melgar
Title: Secretary
Dated: _____, 2018

Approved as to Form and Legality:

ATTORNEY FOR AGENCY

By _____
Wm. Shane Topham
Attorney for Agency

Dated: _____, 2018