

Mayor's Office: Council Agenda Item Request Form
This form and supporting documents (if applicable) are due the Wednesday before the COW meeting by noon.

Date Received (office use)	
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Date of Request	01/17/2018
Requesting Staff Member	Holly Yocom
Requested Council Date	01/23/2018
Topic/Discussion Title	TRCC Contribution Agreement to the Utah Olympic Legacy Foundation Amendment
Description	A Resolution of the Salt Lake County Council Authorizing Contribution of TRCC Funds to Utah Athletic Foundation d/b/a Utah Olympic Legacy Foundation for Ongoing Construction of a Multi-Use Athletic Facility
Requested Action¹	Approval of Agreement and Resolution
Presenter(s)	Holly Yocom, Community Service Director
Time Needed²	
Time Sensitive³	
Specific Time(s)⁴	
Contact Name & Phone	Holly Yocom 385-468-7052
Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	Attached Agreement and Resolution

Mayor or Designee approval: _____

Elin Sitvack

¹ What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

² Assumed to be 10 minutes unless otherwise specified.

³ Urgency that the topic to scheduled on the requested date.

⁴ If important to schedule at a specific time, list a few preferred times.



Ralph Chamness
Chief Deputy
Civil Division

Lisa Ashman
Administrative
Operations

SIM GILL
DISTRICT ATTORNEY

Jeffrey William Hall
Chief Deputy
Justice Division

Blake Nakamura
Chief Deputy
Justice Division

January 12, 2018

Ms. Christina Oliver, Associate Director
Salt Lake County Division of Parks and Recreation
2001 S. State Street, Suite S4-700
Salt Lake City, UT 84190

RE: TRCC Contribution Agreement to the Utah Olympic Legacy Foundation – Revised
Amendment #1 for \$1,040,765; & Related Resolution

Dear Christina,

Enclosed, please find the above referenced amendment, revised at your request and approved as to form. Also enclosed is a revised resolution for the Council's approval. They are being forwarded to you for further processing in accordance with County policies.

If you have any questions or concerns regarding this matter, feel free to contact me at the number provided below.

Sincerely,

MEGAN L. SMITH
Deputy District Attorney
Civil Division
Telephone: (385) 468-7792

EC: Martin Jensen
Holly Yocom
Brent Laulusa
Jason Yocom
Stephen Barnes

AMENDMENT NO. 1
to
TRCC CONTRIBUTION AGREEMENT
between
SALT LAKE COUNTY
For its Department of Community Services
and
UTAH ATHLETIC FOUNDATION d/b/a UTAH OLYMPIC LEGACY FOUNDATION

This AMENDMENT is entered into this _____ day of _____, 2018, between Salt Lake County, a body corporate and politic of the State of Utah (the "County"), on behalf of its Department of Community Services, and Utah Athletic Foundation d/b/a Utah Olympic Legacy Foundation, a Utah nonprofit corporation ("UOLF"). County and UOLF may each be referred to herein as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, The Parties entered into an agreement, County Contract No. 0000001455, on February 15, 2017, for the County to contribute TRCC funds towards UOLF's construction of a multi-use athlete training, public fitness, and meeting and conference center building (the "Interconnect Facility"); and

WHEREAS, The Parties now desire to enter into this Amendment #1 for County to contribute additional funds for the Interconnect Facility.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties agree as follows:

- I. Paragraph 1. A. of the Agreement, entitled "Contribution of TRCC Funds" is amended to reflect the following changes:

The County agrees to contribute [~~Four Million~~] Five Million Forty Thousand Seven Hundred Sixty Five Dollars and No Cents [(\$4,000,000)] (\$5,040,765) to UOLF from its TRCC Funds, all on the terms and subject to the conditions of this Agreement.

- II. Paragraph 1. B. (i) of the Agreement, entitled "TRCC Funds Appropriated by County Legislative Body" is amended to reflect the following changes:

The legislative body of the County has budgeted and appropriated the [~~\$4 million~~] \$5,040,765 contribution of TRCC Funds to UOLF), to help pay for construction of the Interconnect Facility pursuant to this Agreement.

III. Paragraph 2. E. of the Agreement, entitled "Deadline to Expend TRCC Funds; Requirement to Return Funds." Is amended to reflect the following changes:

UOLF shall expend all TRCC Funds received under this Agreement in accordance with Paragraph 2B above prior to December 31, 2019. If UOLF does not fully expend or is unable to fully expend the TRCC Funds prior to December 31, 2019, UOLF shall immediately return any remaining TRCC Funds to the County. Additionally, if UOLF uses any portion of the TRCC Funds for anything other than for the purposes identified in Paragraph 2B above or if the Interconnect Facility is not fully constructed and a certificate of occupancy is issued for the Interconnect Facility prior to December 31, 2020, UOLF shall immediately pay to the County an amount equal to the amount of TRCC Funds contributed to UOLF under this Agreement (in this case, [~~\$4,000,000~~] \$5,040,765).

II. Unless specifically altered in this amendment, all other terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have signed and subscribed their names hereon and have caused this Amendment to be duly executed as of the day and year first set forth above.

SALT LAKE COUNTY

By: _____
Mayor or Designee

Date: 1/12/18

Division Approval:

By: *M. Higgins*
Director or Designee

Department Approval:

By: *Wally M. Yoon*
Director or Designee

APPROVED AS TO FORM
District Attorney's Office
By: *Megan Smith*
Attorney
MEGAN SMITH
Date: 1/12/18

UTAH ATHLETIC FOUNDATION d/b/a
UTAH OLYMPIC LEGACY FOUNDATION

By: *Colin Hilton*
Colin Hilton, President & CEO
Date: 1-16-2018

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Second block of faint, illegible text, likely a main body paragraph.

Three distinct handwritten signatures or initials, arranged vertically in the lower-left quadrant of the page.

APPROVED AS TO FORM
District Attorney's Office
BY: MEGAN SMITH
Date: 11/11/11

RESOLUTION NO. _____

DATE: _____

**A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL
AUTHORIZING CONTRIBUTION OF TRCC FUNDS
TO UTAH ATHLETIC FOUNDATION
d/b/a UTAH OLYMPIC LEGACY FOUNDATION
FOR ONGOING CONSTRUCTION
OF A MULTI-USE ATHLETIC FACILITY**

WHEREAS, The County receives funds (“TRCC Funds”) pursuant to the Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act, Utah Code Ann. §§ 59-12-601 et seq. (the “TRCC Act”); and

WHEREAS, the TRCC Act provides that TRCC Funds may be used, among other things, for the development, operation, and maintenance of publicly owned or operated recreation, cultural or convention facilities; and

WHEREAS, Utah Olympic Legacy Foundation (“UOLF”) is a charitable organization created by the State Legislature in 1994 to hold title to the Utah Olympic Park and meets the requirements of Section 501 (c)(3) of the Internal Revenue Code and as classified as a “public charity” by the Internal Revenue Service; and

WHEREAS, UOLF has a formal commitment to fund costs and operate the Olympic Oval in Kearns (“the Oval”) and desires to expand the Oval; and

WHEREAS, County has previously committed \$4 Million in TRCC funds to UOLF to help finance the construction of a multi-use training, public fitness, and meeting and conference center building at the Oval (the “Interconnect Facility”); and

WHEREAS, UOLF and the County have previously entered into an Agreement in which in exchange for the County’s financial contribution, UOLF and its partners agree to allow the County to use certain space within the building at certain times for a period of no less than 30 years; and

WHEREAS, UOLF has requested additional TRCC Funds from the County to continue its Interconnect Facility project; and

WHEREAS, the County desires to assist UOLF by contributing an additional \$1,040,765 in TRCC funds to allow UOLF to continue the Interconnect Facility project.

NOW, THEREFORE, be it resolved by the Salt Lake County Council that it finds the requested additional assistance of \$1,040,765 contributes to a public purpose by furthering the health, safety, and welfare of county citizens consistent with County priorities and objectives and be it further resolved that the County may proceed by providing UOLF the above stated contribution.

DATED this ___ day of _____, 2018.

SALT LAKE COUNTY

By: _____
Aimee Winder Newton, Chairman

ATTEST:

Salt Lake County Clerk

APPROVED AS TO FORM
District Attorney's Office
By: Megan Smith
Attorney

MEGAN SMITH
Date: 1/12/18

Voting:

Council Member Bradley voting ____
Council Member Bradshaw voting ____
Council Member Burdick voting ____
Council Member DeBry voting ____
Council Member Granato voting ____
Council Member Jensen voting ____
Council Member Snelgrove voting ____
Council Member Wilson voting ____
Council Member Winder Newton ____