

SALT LAKE COUNTY RESOLUTION

RESOLUTION NO. _____, 2019

RESOLUTION AUTHORIZING THE CONTRIBUTION OF COUNTY MONEYS TO THE COMMUNITY DEVELOPMENT FINANCE ALLIANCE, A UTAH NONPROFIT CORPORATION, THE SALT LAKE COUNTY NMTC, INC., A UTAH NONPROFIT CORPORATION, AND KEARNS LIBRARY, LLC, AN ENTITY WHOLLY OWNED BY SALT LAKE COUNTY NMTC, INC., AND AUTHORIZING LEASES BETWEEN THE COUNTY AND THESE ENTITIES AS NECESSARY; FOR THE PURPOSE OF ASSISTING SALT LAKE COUNTY IN SECURING THE NEW MARKET TAX CREDIT FINANCING; AND AUTHORIZING THE EXECUTION OF ALL REQUIRED TRANSACTION DOCUMENTS FOR THE FINANCING, CONSTRUCTION, AND LEASING OF THE SALT LAKE COUNTY KEARNS LIBRARY.

WHEREAS, Salt Lake County is in the process of constructing a new library for Salt Lake County Library Services on property (the “Property”) located at approximately 4290 West 5415 South, Parcel No. 21-07-458-009 and 5350 South 4220 West, Parcel No. 21-07-457-003, in Kearns, Utah (the “Project”); and

WHEREAS, the financing and funding of some of the costs of constructing the Project is available to the County through new market tax credits; and

WHEREAS, the County has reviewed the funding structure through New Market Tax Credits and finds that it is a viable and lawful option for assisting with the costs of constructing the Project; and

WHEREAS, pursuant to Utah Code Annotated Section 17-50-303(3), a county may appropriate money to or provide nonmonetary assistance to a nonprofit entity if, in the judgment of the county legislative body, the assistance contributes to the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of county residents; and

WHEREAS, pursuant to Salt Lake County Countywide Policy 1200, the Salt Lake County Council (“County Council”) may contribute funds, property and personnel to a charitable organization in order to promote the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of County inhabitants; and

WHEREAS, the Community Development Finance Alliance (“CDFA”) and the Salt Lake County NMTC, Inc. (“SLCONMTC”) are 501(c)(3) non-profit organizations; and

WHEREAS, the Kearns Library, LLC (“Kearns Library”) is wholly owned by SLCONMTC, a 501(c)(3) non-profit organization, and is a disregarded entity of SLCONMTC; and

WHEREAS, the County Council desires to contribute County moneys to either CDFA, SLCONMTC, and/or Kearns Library for the purpose of securing and facilitating New Market Tax Credit funding for the construction of the Project; and

WHEREAS, the County desires to assign project contracts, including the obligation to construct a new building on the Property, to Kearns Library, and have Kearns Library lease the new building to the County to operate a Library therein; and

WHEREAS, the County desires to lease the Property, which has been designated as surplus for this express purpose, to SLCONMTC; and

WHEREAS, the County Council considered and approved the New Market Tax Credit transaction to finance and fund construction of the Project on May 7, 2019; and

WHEREAS, the Salt Lake County Mayor’s office requests that the County Council memorialize its May 7, 2019 decision;

WHEREAS, the County Council finds that these contributions and leases will benefit the residents of Salt Lake County in that New Market Tax Credit financing will save Salt Lake

County tax payers in excess of \$1,000,000.00 in constructing the Project, and therefore contribute to the safety, health, prosperity, moral well-being, peace, order, comfort, and/or convenience of county residents;

NOW, THEREFORE, BE IT RESOLVED:

1. The County Council hereby memorializes its decision on May 7, 2019, to authorize and approve the New Market Tax Credit transaction to finance and fund the construction of the Project;

2. The County Council hereby approves up to \$17,200,000 in contributions and/or lease payments to either CDFA, SLCONMTC, or Kearns Library, or any combination thereof so long as the total amount given does not exceed \$17,200,000, to be used by any of the entities for the purposes of securing and facilitating New Market Tax Credit financing for the construction of the Project, which will contribute to the safety, health, prosperity, moral well-being, peace, order, comfort, and/or convenience of Salt Lake County residents; and

3. The County Council also authorizes the assignment of project contracts to Kearns Library, the leasing of the Property to SLCONMTC, and the leasing of the new building to the County to operate a Library therein as part of the Project.

4. The County Council hereby authorizes the signature and execution of all documentation required for the New Market Credit Tax financing, construction, and leasing of the Project to be signed and executed by the designated and authorized County official.

APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah, this _____ day of June, 2019.

SALT LAKE COUNTY COUNCIL

By: _____
Richard Snelgrove, Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk
Date: _____

APPROVED AS TO FORM:

R. Christopher Preston
Deputy District Attorney

Voting:

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Ghorbani voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____