

SALT LAKE COUNTY, UTAH

RESOLUTION NO. _____, 2020

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY AND RIVERTON CITY FOR A CONTRIBUTION OF TRCC FUNDS FOR CITY'S DOG PARK

RECITALS

A. Salt Lake County (the "County") and Riverton City (the "City") are "public agencies" as defined by the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 et seq. (the "Cooperation Act"), and, as such, are authorized by the Cooperation Act to enter into this Agreement to act jointly and cooperatively on the basis of mutual advantage in order to provide facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

B. 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"). 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.

C. In 2018, the City requested TRCC Funds from the County to help it fund the project described in its TRCC Application. More specifically, the City requested TRCC Funds to fund design and consultation services for a City dog park (the "Project").

D. The Parties now desire to amend the Agreement to reduce the available TRCC funding to twenty-five thousand dollars (\$25,000.00) and to change the reporting deadline to December 31, 2020.

E. The County Council believes that its contribution and assistance under the Agreement will contribute to the prosperity, moral well-being, peace and comfort of Salt Lake County residents.

RESOLUTION

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

1. That the First Amendment to the Interlocal Agreement between Salt Lake County and Riverton City 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 Interlocal Agreement will become effective as stated in the Interlocal Agreement.

APPROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah, this _____ day of _____, 2020.

Chairperson

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Voting:

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

APPROVED AS TO FORM:

Dianna R. Orcutt

Deputy District Attorney

ATTACHMENT A

First Amendment to the Interlocal Cooperation Agreement
between Salt Lake County and Riverton City

RIVERTON, UTAH
RESOLUTION NO. 20-53

**APPROVING RIVERTON CITY'S ENTRY INTO AN INTERLOCAL AGREEMENT
WITH SALT LAKE COUNTY FOR THE TRANSFER OF COUNTY TOURISM
RECREATION, CULTURAL, & CONVENTION FUNDS
(DEVELOPMENT OF A DOG PARK)**

WHEREAS, the Utah Local Cooperative Act (UTAH CODE ANN. § 11-13-101, et seq.) provides that two local governmental entities, or public agencies, are authorized to enter into interlocal cooperation agreements with each other, upon adoption of a resolution to do so by their respective governing bodies, to do what each agency is authorized by law to perform; and

WHEREAS, Riverton City ("City") and Salt Lake County ("County") are public agencies, as defined by the Utah Local Cooperation Act; and

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, on April 23, 2019, Riverton City Council authorized execution of an Interlocal Agreement with the County to allocate TRCC funding toward the creation of a dog park within the City's municipal territory; and

WHEREAS, due to the state of emergency created by the outbreak of Coronavirus disease (COVID-19) circumstances incidental to this disease as disrupted the availability of funds; and

WHEREAS, to maintain progress toward constructing a dog park in the City, the parties desire to reduce the level of funding identified in the Interlocal Agreement approved by the City on April 23, 2019 and amend the reporting deadline to December 31, 2020 described in the Original Interlocal Agreement; and

WHEREAS, City and County therefore desire to enter into an Amendment No. 1 to the Interlocal Cooperation Agreement, attached hereto as Exhibit A, to provide for reimbursement of expenses in constructing a dog park within Riverton City, using TRCC funds; and

WHEREAS, The City Council finds and determines that approval of the attached interlocal cooperation agreement will advance the health, safety welfare of Riverton citizens by providing a safe place for citizens to exercise pet dogs in a sequestered space from other park activities.

NOW, THEREFORE, BE IT RESOLVED by the Riverton City Council as follows:

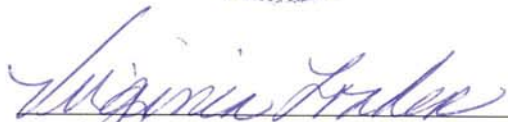
1. That the Mayor is authorized to sign Amendment 1 to an interlocal agreement with Salt Lake County to provide for funding of expenses incurred in constructing a dog park, in substantially similar form to the copy attached to this Resolution, upon verification that said agreement is approved as to legal form by the Riverton City Attorney.
2. This Resolution, assigned No. 20-53, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND ADOPTED by the City Council of Riverton, Utah, this 21st day of July 2020 by the following vote:

	YES	NO
Council Member Tish Buroker	<u>✓</u>	_____
Council Member Tawnee McCay	<u>✓</u>	_____
Council Member Troy McDougal	<u>✓</u>	_____
Council Member Sheldon Stewart	<u>✓</u>	_____
Council Member Claude Wells	<u>✓</u>	_____



ATTEST:


Virginia Loader, Recorder

RIVERTON CITY


Trent Staggs, Mayor

EXHIBIT A

AMENDMENT NO. 1
to the
INTERLOCAL COOPERATION AGREEMENT
between
SALT LAKE COUNTY
for its Department of Community Services and
RIVERTON CITY

THIS AMENDMENT NO. 1 ("Amendment") is made and entered into by and between **SALT LAKE COUNTY**, a body corporate and politic of the State of Utah, for and on behalf of its Department of Community Services ("County") and **RIVERTON CITY**, a municipal corporation of the State of Utah ("City"). County and City may each be referred to herein as a "Party" and collectively as the "Parties."

RECITALS

- A. The County and the City entered into an agreement in 2019 (the "Agreement"), which Agreement is identified as Salt Lake County Contract No. 0000002227, to fund consultation and design of a dog park within City.
- B. In 2018, City requested, and the County Council appropriated, \$100,000 to be used by City to fund consultation for and design of a dog park within City, as memorialized in the Agreement. In 2019, the City was awarded an additional \$75,000 to be used for construction of the dog park, however, the amendment providing for the additional funds was not executed.
- C. On March 6, 2020, Salt Lake County Mayor Jennifer Wilson declared a State of Emergency related to the novel coronavirus disease 2019 (COVID-19). This emergency event has directly and significantly decreased TRCC revenue projections which are generated from restaurant, car rental and transient room tax, preventing the County from being able to fund the proposed amendment to the Agreement.
- D. The Parties now desire to amend the Agreement to reduce the available TRCC funding to twenty-five thousand dollars (\$25,000.00) and to change the reporting deadline to December 31, 2020.

NOW, THEREFORE, in consideration of the foregoing, the City and the County hereby agree as follows:

- 1. Amendment to Paragraph 1. Section 1A of the Agreement, entitled "Contribution of TRCC Funds", is hereby amended and restated in its entirety as follows:

Contribution of TRCC Funds. The County agrees to reimburse up to twenty-five thousand (\$25,000.00) dollars to the Recipient from its TRCC Funds— all on the terms and subject to the conditions of this Agreement.

2. Amendment to Paragraph 2. Sections 2C, 2E, and 2F of the Agreement, entitled Match Requirement,” “Deadline to Request Reimbursement of TRCC Funds,” and “Reporting Requirements” are hereby amended and restated as follows:

Match Requirement. If the City’s TRCC Application attached hereto as **EXHIBIT A** indicates that the City will make a matching contribution toward the purpose for which TRCC Funds will be used by the City under this Agreement, the City shall make the matching contribution so indicated in the amount specified in the City’s TRCC Application. If the City fails to make and expend such a matching contribution prior to **December 31, 2020**, the County may require repayment of TRCC Funds from the City for noncompliance with this provision.

Deadline to Request Reimbursement of TRCC Funds. City will make all requests for reimbursement under this Agreement no later than **December 31, 2020**.

Reporting Requirements. The City shall submit to the County one copy of the Disbursement of Funds Report, attached hereto as **EXHIBIT C**, detailing how the TRCC Funds were expended, no later than December 31, 2019, and a second, updated Disbursement of Funds Report, no later than **December 31, 2020**.

3. Effective Date. This Amendment will become effective immediately upon execution of this Amendment by a duly authorized official of each of the Parties.

4. All Other Terms Remain in Effect. Except as specifically modified and amended by the terms of this Amendment, the terms and provisions of the Agreement shall continue in full force and effect. In the event of any conflict or inconsistency between the provisions of the Agreement and this First Amendment, the provisions of this Amendment shall control and govern. If this Amendment is executed more recently than the expiration of the period of performance stated in the underlying Agreement or a prior amendment, then this Amendment shall relate back to and be effective from the last day of the previous period of performance.

5. Counterparts. This Amendment may be executed in several counterparts and all so executed shall constitute one agreement binding on all the Parties, notwithstanding that each of the Parties are not signatory to the original or the same counterpart. Further, executed copies of this Amendment delivered by facsimile or email shall be deemed an original signed copy of this Amendment.

Each Party hereby signs this Amendment on the date written by each Party on the signature pages attached hereto.

[signature page follows]

AMENDMENT NO. 1 -- SIGNATURE PAGE FOR COUNTY

SALT LAKE COUNTY:

By _____
Mayor or Designee

Dated: _____, 2020

Approved by:

DEPARTMENT OF COMMUNITY SERVICES

By **Holly Yocom** Digitally signed by Holly Yocom
Date: 2020.08.19 10:32:05
-06'00'

Holly Yocom
Department Director

Dated: _____, 2020

Approved as to Form and Legality:

SALT LAKE COUNTY DISTRICT ATTORNEY

By *Dianne R. Orcutt*
Deputy District Attorney

[Signatures continue on next page.]

AMENDMENT NO. 1 -- SIGNATURE PAGE FOR CITY

RIVERTON CITY

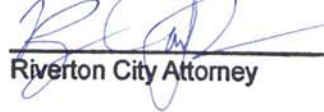
By 

Name: Trent Staags

Title: Mayor


Dated: 7-21-20, 2020

Approved as to Legal Form


Riverton City Attorney



Attest:

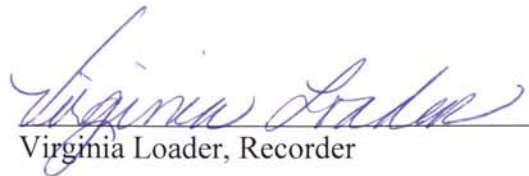

Virginia Lander, City Recorder
Date signed: 7-21-20

CERTIFICATE OF PASSAGE

I, Virginia Loader, the duly acting and appointed Recorder for Riverton City hereby certify that the foregoing Resolution No. 20-53 was adopted by the Riverton City Council on the 21st day of July 2020.

Dated this 21st day of July 2020.



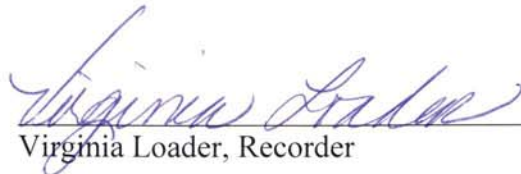

Virginia Loader, Recorder

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Dated this 21st day of July 2020.




Virginia Loader, Recorder