

BRIEFING SANDY CITY COUNCIL MAY 2, 2017
Central Wasatch Commission

Resolution 17-20c Interlocal Agreement
Resolution 17-21c Transfer Agreement

To: Members Sandy City Council
From: Dan Hartman, consultant to the CWC Organizing Committee
Subject: *UPDATE to the Sandy City Council Briefing given August 9, 2016*
Date: May 2, 2017

The Central Wasatch Mountains are a critical resource for the State of Utah. This wonderful treasure lies on the East Boundary of Salt Lake County and West Boundary of Summit County. It encompasses a sensitive watershed, unrivaled recreation opportunities, significant economic drivers and unique natural beauty. For decades, individuals and institutions have tried to agree on a balanced approach to canyon and mountain management practices but those efforts failed to reach substantial joint agreement.

Beginning in mid-2013, dozens of stakeholders – individuals, recreationists, conservationists, ski resorts, political jurisdictions local, state and federal, activists and users of all kinds – began meeting. Initially, they agreed on a Phase I Funding Agreement to start the process of achieving an agreement of common goals to protect, use and preserve the Central Wasatch. A state donation of \$2,600,000 was matched by local government contributions of \$1,075,000. The first funding plan was called the Wasatch Summit Phase I.

In February of 2014 these entities developed a Mountain Accord Program Charter to formalize their collaborative goals. The Program Charter established consensus goals to ensure protection of the watershed; enhance regional transportation values and plans; preservation of the environment and natural assets; strengthen the regional economy, and ensure high quality recreational experiences. An Executive Committee was formed including Sandy City Mayor Tom Dolan, and consisted of representatives from two counties, six cities or towns, state government, the Legislature, federal government agencies, and private entities.

As efforts continued, this collaborative process resulted in **The Accord**, dated July 13, 2015, (which can be found at <http://mountainaccord.com>) and was signed by some 82 individuals including Mayor Dolan, Governor Herbert, President Wayne Niederhauser, other legislators, Mayor McAdams and many other elected officials, individuals and public agencies. Additional funding was obtained with another Interlocal funding agreement, Mountain Accord Phase II, dated April 15, 2015, which the Sandy City Council approved and has budgeted in FYE 2015, 2016 and 2017. This funding agreement included a State of Utah contribution of \$3,000,000 in the form of a Governor's Office of Economic Development (GOED) grant and included a pledge of approximately \$1,000,000

a year from local entities for whom the future of the Central Wasatch was deemed to be a critical issue.

Neither the Program Charter of 2014 or The Accord, July 13, 2015 created a legal entity. At best these were joint venture of a variety with different individuals, institutions, municipalities, counties, federal government agencies, state government, and private entities. At the recommendation of Mayor Dolan, the decision was made to transition to an officially organized Interlocal entity, the CWC.

Beginning in mid-February, 2016, the four local governments began working with all of the Stakeholders from Mt. Accord and others, to transition to a formal public entity. Tonight the Sandy City Council has before it two Interlocal Agreements, that if approved, will join Salt Lake County and Salt Lake City in moving forward to create the Central Wasatch Commission. Cottonwood Heights is expected to approve the ILA on May 9, 2017.

The CWC (**whose creation Interlocal Agreement is found in Resolution 17-20c**) is being formed under Utah Code Annotated 13, Chapter 11, will be known as the Central Wasatch Commission and is being organized by four founding members – Sandy City, Salt Lake County, Salt Lake City and Cottonwood Heights City.

The Interlocal Agreement (the “ILA”) has been approved by the Mayors, legal staff and key staff members of all four entities. The ILA has been formally adopted by both the Salt Lake City and Salt Lake County councils. Cottonwood Heights has adopted the Assignment Agreement. Pending the Sandy City Council action on the creation ILA, CH is scheduled to consider it at its May 9, 2017 session.

A Transfer Agreement (Transfer Agreement is found in Resolution 17-21c) is also before you. It remains unchanged from your deliberations in August 2016. This ILA has been approved by the Mayors, legal staff and key staff members of all four entities and has been formally adopted by the Salt Lake County Council, the Salt Lake City Council and several of the local funding partners. ***This document renews the pledges of each local funding partner and assigns those contributions and pledges to the new Commission. It is hoped that the CWC will be formed in time to properly prepare an official entity to receive those funds before the end of the fiscal year.***

IN SUMMARY:

- 1) The Central Wasatch Commission is an Interlocal Agency and:
 - a) Is a political subdivision of the State of Utah
 - b) Is subject to all State laws pertaining to Interlocal Agencies
 - c) Is organized to implement Mt. Accord principles
 - d) Will assist other agencies – SLCO, UDOT, UTA, etc., in making immediate

– (next three years) – transportation improvements in Central Wasatch Canyons

- 2) Commission Interlocal Agreement Key Components
 - a) Four original signatory Members – Sandy City, Salt Lake County, Salt Lake City, Cottonwood Heights
 - b) The Mayor – or in the case of CH, its legislative body - of each signatory Member will appoint a Commissioner who must be an elected official
 - c) Commission has power to appoint additional equal voting Commissioners
 - i) Requires simple majority vote of the Members. These additional commissioners has no elected official requirement
 - d) New members can be added
 - i) Requires majority vote of the commissioners PLUS approval of legislative bodies of all signatory members
- 3) Objectives of Commission
 - a) Watershed protection
 - b) Environment, recreation, transportation improvements, economic driver
 - c) Cottonwoods Transportation Improvement Plan - TIP
 - d) TIP 2018-2020
 - e) Federal Lands Designation legislation
 - f) Cottonwoods Task Force
 - g) Environmental Dashboard - The Dashboard will be a tool for the public and decision makers to track the Central Wasatch's environmental health and evaluate impacts in future planning discussions.
 - h) Parley's Corridor Task Force - an evaluation of transportation connections between the Salt Lake Valley and the greater Park City area.
- 4) Only Commissioners may vote; a designee may attend in but cannot vote
- 5) Commission "Project Area" – means the geographical study area of focus of the Commission, which is the area commonly referred to as Salt Lake County Mountainous Planning District plus the area of Summit County that is located Westerly of US 40 and Southerly of I-80.
- 6) Commission will have the power to:
 - a) Enter into contracts
 - b) Solicit, receive, hold and distribute funds
 - c) Acquire, hold, dispose of property
 - d) Hire staff
 - e) Contract for services (consultants, professional firms, vendors)
 - f) Hire, fire, supervise and direct Executive Director
- 7) Commission has NO authority:
 - a) over Members or any city, county, special district, Federal or State agency
 - b) to levy tax

- c) to determine land use or zoning
 - d) to supersede watershed protections
- 8) Commissioners will not be compensated
- 9) Four officers- Chair, Co-Chair, Secretary, Treasurer

DIFFERENCES BETWEEN THE AUGUST 9, 2016 VERSION SANDY CITY COUNCIL PREVIOUSLY CONSIDERED AND THE CURRENT VERSION BEFORE YOU

- 1- ADDED –“in coordination with and subject to local jurisdictional authority” throughout the ILA
- 2- Removed the veto power of any of the four original signatory members in voting to a simple majority on all issues, including adding new members. Gives as much weight to the vote of an appointed, non-signatory commissioner as that of an original signatory member.
- 3- New commissioners must be approved by all legislative bodies of all members
- 4- Certain commission actions such as setting fees and bonding now require notification and/or approval by the legislative bodies of all members
- 5- The project area changed from all of Salt Lake County to just the Salt Lake County Mountainous Planning District plus some of Summit County.

Table 1 from Transfer Agreement, Resolution 17-21c

Parties	Amount allocated	Amount Paid for 2015	Remaining Allocation for 2016 - 2017
Cottonwood Hghts	\$150,000	\$50,000	\$100,000
Draper	180,000	60,000	120,000
MWDSLS	300,000	100,000	200,000
Park City	300,000	100,000	200,000
Sandy	300,000	100,000	200,000
SLC	600,000	200,000	400,000
Salt Lake County	600,000	200,000	400,000
Summit County	150,000	50,000	100,000
Alta	45,000	15,000	30,000
UDOT	150,000	50,000	100,000
UTA	600,000	0*	600,000*
Totals	\$3,375,000	\$925,000	\$2,450,000

Note *: Although UTA will not pay the \$600,000 in cash for the Phase II projects, it will provide \$600,000 in additional bus service over the same three-year period provided in the Phase II Agreement. The \$200,000 due in 2015 has been approved by the UTA Board as an in-kind contribution for additional bus service in 2016. In 2017 UTA, subject to Board approval, plans to pay the remaining \$400,000 over a two-year period by providing \$200,000 in additional bus service for 2017, and another \$200,000 in additional bus service for 2018.