

Central Wasatch Commission (CWC) FAQs Sheet, March 2017



Why is the Central Wasatch Commission (CWC) being formed?

The CWC is being formed to allow elected officials among multiple jurisdictions a formal way to work together and reach decisions about the Central Wasatch Mountains.

What is the purpose of the CWC?

The purpose of the CWC is to implement the principles and objectives outlined in the Accord. The Accord was signed in August, 2015 with guiding principles that included preserving open space and ridgelines, focusing development at the base of ski resorts, and increasing transit and active transportation.

Who would be involved in the CWC?

The CWC commissioners will include elected officials from Salt Lake County, Salt Lake City, Sandy City, Cottonwood Heights, and elected or appointed officials from the Utah Department of Transportation, and the Wasatch Back (Park City or Summit County). In addition, a Mountain Accord Stakeholder Council will also be formed as an advisory body to the CWC commissioners and will include up to 35 representatives from various interests, which may include the US Forest Service, local governments, Utah Transit Authority, environmental groups, ski resorts, recreation interest groups, canyon residents and landowners.

Would the CWC be subject to the Open Meetings Act?

Yes. The interlocal agreement creating the CWC explicitly states that the CWC Board and Mountain Accord Stakeholders Council will be subject to and will abide by the Open Meetings Act.

In October, 2016 the county council considered passing the CWC interlocal agreement on its Council of the Whole (COW) agenda. How is the updated draft different from that version?

Both the council and Mayor's Office received important feedback from the public on the original CWC interlocal agreement and has made changes based on that feedback. The updated draft made changes to the membership structure by including an at-large county council member on the CWC. Also, catch-all powers have been eliminated and additional language requires the CWC to notify their respective legislative bodies when exercising the power to acquire real and personal property, to sue or be sued, or to levy and collect fees and charges, resulting in better oversight. Additionally, the language has been adjusted throughout to clarify that the CWC does not supersede any local or state authority.

What authority does the CWC NOT have?

The CWC will be an interlocal entity. Utah law provides limited authority to interlocal entities (See Utah Code Section 11-13-204). This authority does NOT include the power to condemn property, enact ordinances, exercise superseding authority over the County or other jurisdictions, bond without a full public process, or tax.

The CWC Interlocal Agreement itself contains the following additional limits on the CWC's authority:

■ Limited authority to make recommendations only, with respect to other jurisdictions' authority.

■ Limited authority to pursue acts necessary to accomplish its stated purposes. (Art. VI(B)). The CWC's stated purpose is to implement principles of the Accord, which are subject to the authority of federal, state, and local jurisdictions noted above.

■ CWC has no authority to supplant or supersede municipal, county, state, federal, or other governmental jurisdiction, or to require alterations of plans or decisions of any jurisdiction. (Art. VI(C)(1))

■ CWC has no authority to limit or otherwise affect a municipality or county's land use authority, or municipality's extraterritorial watershed authority. (Art. VI(C)(2),(3),(5)).

■ CWC has no authority to limit or affect the taxing authority of any governmental entity. (Art. VI(C)(4)).

“CWC has no authority to supplant or supersede municipal, county, state, federal, or other governmental jurisdiction...”

Essentially, the CWC is a recommending body to local, state, and federal jurisdictions. Any recommendations made by the CWC within local, state, or federal jurisdictional authority would need to be approved by the respective jurisdiction. Additionally, the County Council must approve all members of the CWC (Art. V(B)(3)), and must give its advice and consent for the appointment of the County's commissioner on the CWC (Utah Code Section 17-53-317). “ Commission members must notify their respective legislative bodies when exercising the power to acquire real and personal property, to sue or be sued, or to levy and collect fees and charges, resulting in better oversight.

If the CWC determined it wanted to implement a fee what limits are there on such a fee?

Under state law, the CWC may provide services contemplated in the interlocal agreement, and may only establish, impose, and collect fees that pay for the cost of those services. The CWC may not impose or collect a fee for the use of property or services of another jurisdiction without their authorization (for example, a toll to use state roads). The CWC may not impose a fee that exceeds or is not related to the costs of the services provided (the CWC may not receive a windfall). In addition, the Commission must notify their respective legislative bodies when exercising the power to levy and collect fees and charges—providing additional layers of oversight.

How long is the CWC in place?

Similar to the Jordan River Commission, which was created through the Interlocal Cooperation Act, a 50-year term is provided in the CWC interlocal agreement. However, there is a provision included that allows for the dissolution of the CWC with a unanimous vote of the Commissioners from the Organizing Members and the two-thirds majority vote of all Commissioners.