

RESOLUTION NO. 20-11C

A RESOLUTION OF THE SANDY CITY COUNCIL APPROVING AMENDMENTS TO THE CENTRAL WASATCH COMMISSION INTERLOCAL AGREEMENT AND ADMITTING THE TOWN OF BRIGHTON AS A MEMBER OF THE CENTRAL WASATCH COMMISSION

WHEREAS, the Central Wasatch Commission (the “CWC”) is an interlocal entity that was formed effective 29 June 2017 pursuant to the “Central Wasatch Commission Interlocal Agreement” (the “ILA”) among Salt Lake County, Salt Lake City, Sandy City and city of Cottonwood Heights; and

WHEREAS, Article X.A. of the ILA provides that the ILA may be amended from time to time upon the majority vote of all members of the CWC’s governing body (the “CWC Board”) and approval by the legislative body of each of the CWC’s then-members (the “Members”); and

WHEREAS, Article V.A. of the ILA allows additional Members to join the CWC pursuant to the process provided in Article V.B.(3) of the ILA, which requires, among other things, (a) approval by majority vote of all of the commissioners then serving on the CWC Board, and (b) approval by the legislative body of each of the then-current Members; and

WHEREAS, following the CWC’s formation, Town of Alta, City of Millcreek, and Park City joined the CWC as additional members pursuant to Article V.B.(3) of the ILA, so that as of the effective date of this resolution the CWC’s Members are Town of Alta, city of Cottonwood Heights, City of Millcreek, Park City, Salt Lake City, Salt Lake County, and Sandy City; and

WHEREAS, on 9 March 2020, pursuant to an application for CWC membership previously submitted by the newly-incorporated Town of Brighton (“Brighton”), the CWC Board enacted its Resolution 2020-12 offering CWC membership to Brighton; and

WHEREAS, further, following a discussion at its 9 March 2020 meeting, on 6 April 2020 the CWC Board enacted its Resolution 2020-14 amending Article V of the ILA (“Article V”) to, among other things, (a) establish minimum criteria for membership in the CWC; (b) establish a detailed process for admission of additional Members to the CWC; (c) allow for the inclusion of up to four non-voting, *ex officio*, members on the CWC Board from time to time to provide input deemed pertinent by the CWC Board to the CWC’s goals and objective; (d) eliminate the class of CWC Board members known under the current ILA as “Appointed Commissioners” (representing entities which are not Members of the CWC); and (e) establish Summit County (which is the only entity currently represented by an “Appointed Commissioner”) as a Member of the CWC, from and after full approval of such amendments to Article V (the “Amendments”); and

WHEREAS, the CWC’s attorney also has approved the form and legal compliance of the Amendments if and as required by UTAH CODE ANN. §11-13-202.5(3); and

WHEREAS, consequently, pursuant to its Resolution 2020-12 and Resolution 2020-14, the CWC Board has approved, and requested that the governing body of each of its current Members approve, (a) Brighton’s admission as a CWC Member, conditioned on Brighton’s

approval and execution and delivery of a counterpart of the ILA, as amended by the Amendments, and (b) the Amendments to Article V of the ILA; and

WHEREAS, Sandy City (the “City”) is a Member of the CWC; and

WHEREAS, the City’s city council (the “Council”) met in regular session on April 21, 2020 to consider, among other things, approving (a) the admission of Brighton as a CWC Member as provided above, and (b) the Amendments to Article V of the ILA; and

WHEREAS, the Council has reviewed (a) a “clean” draft of Article V incorporating the Amendments, and (b) a “compared” draft of Article V showing the Amendments (with additions in underlined red type and deletions in ~~struck through red type~~), copies of which drafts are annexed hereto as Exhibit “A” and Exhibit “B,” respectively; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City’s residents to so approve (a) Brighton’s admission as an additional Member of the CWC, and (b) the Amendments to Article V of the ILA, as proposed by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Sandy City Council that the Council hereby approves (a) Brighton’s admission as an additional Member of the CWC, conditioned on and effective as of Brighton’s approval and execution and delivery of a counterpart of the ILA as amended by the Amendments, and (b) amendment of the ILA with the Amendments.

This Resolution, assigned no. _____, shall take effect immediately upon passage.

PASSED AND APPROVED effective ____ _____ 2020.

By _____
Kris Nicholl, Chair
Sandy City Council

ATTEST:

City Recorder

VOTING:

Brooke Christensen	Yea ___ Nay ___
Alison Stroud	Yea ___ Nay ___
Kris Nicholl	Yea ___ Nay ___
Monica Zoltanski	Yea ___ Nay ___
Marci Houseman	Yea ___ Nay ___
Cyndi Sharkey	Yea ___ Nay ___
Zach Robinson	Yea ___ Nay ___

RECORDED this __ day of _____ 2020.

PURSUANT TO UTAH CODE ANN. §11-13-202.5(3), if and as applicable, the Amendments are hereby approved as to form and compliance with applicable law.

By: _____

Name: _____
Attorney for the Member entity specified above

EXHIBIT “A”

(Attached Supplied pdf of Clean Copy of Article V)

EXHIBIT “B”

(Attached Supplied pdf of Redlined Copy of Article V)