

CENTRAL WASATCH COMMISSION

RESOLUTION No. 2021-09

A RESOLUTION APPROVING ENTRY INTO THE THIRD AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT WITH THE UNIVERSITY OF UTAH FOR THE ENVIRONMENTAL DASHBOARD

WHEREAS, UTAH CODE ANN. § 11-13-101, *et seq.* (the “*Interlocal Cooperation Act*”) provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action following the adoption of an appropriate resolution by the governing body of each participating public agency; and

WHEREAS, the Central Wasatch Commission (the “*CWC*”) and the University of Utah (“*University*”) are public agencies for purposes of the Interlocal Cooperation Act; and

WHEREAS, effective 1 July 2019 the CWC and University entered into an “Interlocal Cooperation Agreement (Environmental Dashboard)” (the “*Agreement*”) whereunder University agreed to further develop the CWC’s so-called “Environmental Dashboard” environmental monitoring and adaptive management plan (the “*Environmental Dashboard*”)” as described in the Agreement and the proposal for the “Phase I Work” attached to the Agreement; and

WHEREAS, the Agreement subsequently was amended by (a) the “First Amendment to Interlocal Cooperation Agreement (Environmental Dashboard)” dated on or about 9 March 2020 between the Parties (the “*First Amendment*”), which amended the Agreement to adopt a revised proposal detailing the “Phase 2 Work” under the Agreement and associated costs needed to bring the Environmental Dashboard to fruition, and (b) the “Second Amendment to Interlocal Cooperation Agreement (Environmental Dashboard)” dated on or about 1 March 2021 between the Parties (the “*Second Amendment*”), which amended the Agreement, as previously amended, to adopt a revised schedule for University’s completion of its Phase 2 Work under the Agreement, as amended, and the timetable for the associated payments by the CWC to University for that work, in order to bring the Environmental Dashboard to fruition; and

WHEREAS, following adoption of the Second Amendment, ESRI Inc., an intended sub-provider for University under the Agreement who previously had indicated to the CWC a willingness to provide certain key service under the Agreement *gratis* or at reduced cost, informed the CWC and University that it is unwilling or unable to proceed as previously indicated, requiring University to expand the scope of its work under the Agreement accordingly in order to bring the Environmental Dashboard to fruition; and

WHEREAS, consequently, the CWC and the University now desire to further amend the Agreement in order to adopt a revised scope of work for University, a revised schedule for completion of such work, and a revised fee schedule for that work, all as provided in a “Third Amendment to Interlocal Cooperation Agreement (Environmental Dashboard)” (the “*Third Amendment*”) that they cooperatively have negotiated and drafted; and

WHEREAS, the CWC’s Board of Commissioners (the “*Board*”) met in regular session on 12 July 2021 to consider, among other things, approving the CWC’s entry into the Third Amendment; and

WHEREAS, the Board has reviewed the form of the Third Amendment, a photocopy of which is annexed hereto; and

WHEREAS, the CWC's attorney also has approved the form of the Third Amendment as required by UTAH CODE ANN. §11-13-202.5(3); and

WHEREAS, after careful consideration, the Board has determined that it is in the best interests of the CWC and its constituents to approve the CWC's entry into the Third Amendment as proposed in order to make efficient use of the CWC's resources;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the attached Third Amendment is hereby approved, and that the CWC's chair and secretary are authorized and directed to execute and deliver the Third Amendment on behalf of the CWC.

This Resolution, assigned no. 2021-09, shall take effect immediately upon passage.

PASSED AND APPROVED this 12th day of July 2021.

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Michael J. Peterson, Secretary

By: _____
Christopher F. Robinson, Chair of the Board

VOTING OF THE BOARD:

Jim Bradley	Yea ___ Nay ___
Max Doilney	Yea ___ Nay ___
Marci Houseman	Yea ___ Nay ___
Dan Knopp	Yea ___ Nay ___
Erin Mendenhall	Yea ___ Nay ___
Michael J. Peterson	Yea ___ Nay ___
Christopher Robinson	Yea ___ Nay ___
Jeff Silvestrini	Yea ___ Nay ___
Harris Sondak	Yea ___ Nay ___
Jennifer Wilson	Yea ___ Nay ___

DEPOSITED in the office of the Secretary this 12th day of July 2021.

FILED AND RECORDED this ___ day of July 2021.