

CENTRAL WASATCH COMMISSION

RESOLUTION No. 2023-01

A RESOLUTION APPROVING ENTRY INTO THE THIRD AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT WITH UTAH STATE UNIVERSITY FOR A VISITOR USE STUDY FOR BIG AND LITTLE COTTONWOOD CANYONS

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 (“*CWC*”) and Utah State University (“*University*”) are public agencies for purposes of the Interlocal Cooperation Act; and

WHEREAS, effective 5 April 2021 CWC and University entered into an “Interlocal Cooperation Agreement (Visitor Use Study for Big and Little Cottonwood Canyons)” (the “*Original Agreement*”) whereunder University agreed to conduct a visitor use study for Big and Little Cottonwood Canyons (the “*Use Study*”); and

WHEREAS, the Original Agreement heretofore has been amended pursuant to a first amendment (the “*First Amendment*”) that was approved by CWC under its Resolution 2021-17 and a second amendment (the “*Second Amendment*”) that was approved by CWC under its Resolution 2022-12. The Original Agreement, as amended by the First Amendment and the Second Amendment, is referred to herein as the “*Agreement*,” and

WHEREAS, CWC heretofore also has entered into an interlocal cooperation agreement with the University of Utah (“*U of U*”) whereunder U of U agreed to further develop CWC’s so-called “Environmental Dashboard” on-line environmental monitoring and adaptive management plan (the “*Environmental Dashboard*”) as described in that interlocal agreement; and

WHEREAS, the Parties in conjunction with a separate agreement between CWC and U of U now desire to incorporate University’s work under the Use Study into the on-line Environmental Dashboard using the existing technological framework (WordPress, ArcGIS Online, and Tableau); and

WHEREAS, to that end, University has prepared and submitted for CWC’s approval a proposal for completion of additional work to be performed by University under the Agreement, and CWC and University now desire to further amend the Agreement as provided in a proposed third amendment to the Original Agreement (the “*Third Amendment*”); and

WHEREAS, CWC’s Board of Commissioners (the “*Board*”) met in regular session on 9 January 2023 to consider, among other things, approving CWC’s entry into the Third Amendment; and

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

WHEREAS, 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 CWC and its constituents to approve CWC’s entry into the Third Amendment as proposed in order to make efficient use of 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 CWC’s chair and secretary are authorized and directed to execute and deliver the Third Amendment on behalf of CWC.

This Resolution, assigned no. 2023-01, shall take effect immediately upon passage.

PASSED AND APPROVED this 9th day of January 2023.

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Jeff Silvestrini, Secretary

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

VOTING OF THE BOARD:

Roger Bourke	Yea ___ Nay ___
Dan Knopp	Yea ___ Nay ___
Erin Mendenhall	Yea ___ Nay ___
Christopher Robinson	Yea ___ Nay ___
Jeff Silvestrini	Yea ___ Nay ___
Michael Weichers	Yea ___ Nay ___
Nann Worel	Yea ___ Nay ___
Monica Zoltanski	Yea ___ Nay ___

DEPOSITED in the office of the Secretary this 9th day of January 2023.

FILED AND RECORDED this 9th day of January 2023.

Third Amendment to Interlocal Cooperation Agreement (Visitor Use Study for Big and Little Cottonwood Canyons)

THIS THIRD AMENDMENT TO INTERLOCAL AGREEMENT (this “*Amendment*”) is made effective 9 January 2023 by and between the **CENTRAL WASATCH COMMISSION**, an interlocal entity of the state of Utah whose address is 41 North Rio Grande Street, Ste. 102, Salt Lake City, UT 84101 (“*CWC*”), and **UTAH STATE UNIVERSITY**, an institution of higher education and a body corporate and politic of the state of Utah whose address is c/o Jordan W. Smith, Ph.D., Institute of Outdoor Recreation and Tourism, Utah State University, Logan, UT 84321-5215 (“*University*”). In this Amendment, CWC and University are each a “*Party*” and collectively are “*Parties*.”

RECITALS:

A. Effective 5 April 2021, the Parties entered into an “Interlocal Cooperation Agreement (Visitor Use Study for Big and Little Cottonwood Canyons)” (the “*Original Agreement*”) whereunder University agreed to conduct a visitor use study for Big and Little Cottonwood Canyons (the “*Use Study*”).

B. The Original Agreement heretofore has been amended pursuant to a first amendment (the “*First Amendment*”) that was approved by CWC under its Resolution 2021-17 and a second amendment (the “*Second Amendment*”) that was approved by CWC under its Resolution 2022-12. The Original Agreement, as amended by the First Amendment and the Second Amendment, is referred to herein as the “*Agreement*.”

C. CWC heretofore also has entered into an interlocal cooperation agreement with the University of Utah (“*U of U*”) whereunder U of U agreed to further develop CWC’s so-called “Environmental Dashboard” on-line environmental monitoring and adaptive management plan (the “*Environmental Dashboard*”) as described in that interlocal agreement; and

D. The Parties, in conjunction with a separate agreement with U of U now desire to incorporate University’s work under the Use Study into the on-line Environmental Dashboard using the existing technological framework (WordPress, ArcGIS Online, and Tableau).

E. To that end, both University and U of U have submitted for CWC’s approval separate proposals for their respective work to so modify the Environmental Dashboard. A copy of University’s proposal for ongoing support (the “*Ongoing Support*”) to collect visitor use data for integration into the Environmental Dashboard is attached as an exhibit to this Amendment (the “*Ongoing Support Proposal*”).

F. CWC has reviewed and approved the Ongoing Support Proposal, and the Parties now desire to amend the Agreement, as previously amended, as provided in this Amendment to formally adopt the Ongoing Support Proposal.

AGREEMENT:

NOW THEREFORE, in consideration of the premises, the mutual covenants and undertakings of the parties hereto, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. **Defined Terms.** Unless otherwise defined in this Amendment, all capitalized “terms of art” in this Amendment shall have the same meanings and definitions as in the Agreement.

Section 2. **Phase 2.** The scope of Work to complete the Use Study is hereby further amended and augmented to include the additional services by University that are described in the Ongoing Support Proposal attached to this Amendment, the terms and conditions of which are incorporated herein by this reference.

Section 3. **Payment Schedule.** CWC’s payment obligation under the Agreement, as amended by this Amendment, is hereby further amended as provided in the Ongoing Support Proposal, under which CWC will pay up to \$27,862.57 in additional funds for University’s full and timely performance and completion of the Ongoing Support.

Section 4. **Project Schedule.** The schedule for completing the Ongoing Support of the shall be as specified in the Ongoing Support Proposal.

Section 5. **No Other Modifications.** Except as specifically amended in this Amendment, the terms of the Agreement shall remain unmodified and in full force and effect between the parties.

DATED effective the date first-above written.

CWC:

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Jeff Silvestrini, Secretary

By: _____
Christopher F. Robinson, Chair

APPROVED IN ACCORDANCE WITH UTAH CODE ANN. § 11-13-202.5:

By: *Wm. Shane Topham*
Wm. Shane Topham, CWC Attorney

UNIVERSITY:

ATTEST:

UTAH STATE UNIVERSITY

_____, _____

_____, _____

APPROVED IN ACCORDANCE WITH UTAH CODE ANN. § 11-13-202.5:

By: _____
_____, University’s Attorney

Exhibit to Third Amendment to Interlocal Cooperation Agreement

Ongoing Support to Collect Visitor Use Data for Integration into the Central Wasatch Environmental Dashboard (FY23)

Purpose and Objectives

In late 2021, Utah State University began collecting visitor use data through a variety of methods throughout the Central Wasatch for the purposes of providing a comprehensive understanding of outdoor recreation use as well as key ecological and physical resource conditions of outdoor recreation settings. Visitor use counts (i.e., monthly estimates of trail use), are currently being collected via trail counters and mobile device use throughout the region. This request supports the continued collection of visitor use counts for trails within the tri-canyon region consisting of Little Cottonwood Canyon, Big Cottonwood Canyon, and Millcreek Canyon for the purposes of displaying these data on the Central Wasatch Environmental Dashboard.

Utah State University will continue to monitor and collect data on trail use through both trail counters and mobile device use within the canyons. These data will be collected, curated, and transferred to the University of Utah for integration into the Central Wasatch Environmental Dashboard. Data will be aggregated to the individual trail segment, trail shed, trail complex, or canyon as determined most appropriate by both the Utah State University research team, the University of Utah team developing and maintaining the dashboard, and staff from the Central Wasatch Commission. Data will be provided by the Utah State University team on a quarterly basis from December 2022 through August 2023.

Expense Breakdown

Senior Personnel – Total request: \$2,820.51

Funds are requested for 1-weeks of summer salary for PI Smith to support data collection, curation, and transfer.

Other Personnel – Total request: \$3,840.00

Field Technician – Funds are requested to support one wage hourly field technician to set-up, monitor, and maintain trail counters throughout the tri-canyon area. Data will be collected on a bi-weekly basis from May – December 2023 ($\$20/\text{hour} \times 12 \text{ hour shifts} \times 16 \text{ shifts} = \$3,840.00$)

Fringe Benefits – Total request: \$1,602.05

Senior Personnel (\$1,283.33) – Fringe benefits are requested for PI Smith based upon Utah State University's standard benefits rate for faculty (45.5%).

Field Technician (\$318.72) – Fringe benefits are requested for the project's wage hourly field technician. Fringe benefits are calculated at Utah State University's standard benefit rate for wage-hourly employees (8.30%).

Travel – Total request: \$2,400.00

Travel (\$2,400.00) – Funds are requested to cover travel for project personnel to conduct site visits and set up/maintain trail counters.

Other Direct Costs – Total request: \$17,200.00

Mobile Location Data (\$17,200.00) – Funds are requested to purchase multi-mode mobile location data for the study area.

Total Direct Costs: \$27,862.57

Indirect Costs (0%): \$0

Total Amount Requested: \$27,862.57