

Notice of Meeting

LOCAL BUILDING AUTHORITY of the UFSA

Tuesday, August 21, 2018

9:30am

(Or immediately following the Unified Fire Service Area Board Meeting)

UFA EOC - 3380 South 900 West, Salt Lake City, UT 84119

NOTICE IS HERBY GIVEN THAT THE LBA OF THE UFSA BOARD OF DIRECTORS SHALL ASSEMBLE FOR A MEETING AT UFA EOC LOCATED AT 3380 SOUTH 900 WEST, SALT LAKE CITY, UT 84119

Members of the Board May Participate Electronically. The Public May Attend.

AGENDA

1. Call to Order – Chair Silvestrini
2. Public Comment
Please limit comments to three minutes each
3. Approval of Minutes – Chair Silvestrini
 - a. April 17, 2018
4. Update on Herriman Land Exchange on Rose Canyon Road and Approval of Resolution No. 08-2018A, Approving the First Amendment to the Interlocal Agreement with Herriman City Regarding the Exchange of Real Property – Counsel Rachel Anderson
5. Possible Closed Session
The LBA of the UFSA may temporarily recess the meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205 or for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137.

Re-Opening the Meeting

6. Adjournment – Chair Silvestrini

In accordance with the Americans with Disabilities Act, UFSA will make reasonable accommodation for participation in the meetings. Please call the clerk at least three working days prior to the meeting at 801-743-7220. Motions relating to any of the foregoing, including final action, may be taken at the meeting. This meeting may be held telephonically/electronically to allow a member of the UFSA Board to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, does hereby certify that the above agenda notice was posted on this 18th day of August 2018 on the UFSA bulletin boards, the UFSA website <http://unifiedfireservicearea.com>, posted on the Utah State Public Notice website <http://www.utah.gov/pmn/index.html> and was emailed to at least one newspaper of general circulation with the jurisdiction of the public body.

Michelle Roper, Board Clerk

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
INTERLOCAL COOPERATION AGREEMENT BETWEEN THE LOCAL BUILDING
AUTHORITY OF THE UNIFIED FIRE SERVICE AREA AND HERRIMAN CITY FOR
THE EXCHANGE OF REAL PROPERTY**

WHEREAS, the Local Building Authority of the Unified Fire Service Area (the “LBA”) met in open session, after giving due notice of the meeting in compliance of law, on August 21, 2018, to consider, among other things, approving the First Amendment to the Interlocal Cooperation Agreement between the LBA and Herriman City for the exchange of real property located on Rose Canyon Road in Herriman, Utah;

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953 as amended (the “Act”), permits governmental units to enter into agreements with one another for the purpose of exercising, on a joint and cooperative basis, powers and privileges that will benefit their citizens and make the most efficient use of their resources;

WHEREAS, the Act provides that any public agency may convey property to or acquire property from any other public agency for consideration as may be agreed upon;

WHEREAS, the LBA and Herriman City are government entities and may convey and acquire property as contemplated by the Act;

WHEREAS, the Parties previously, around April 2018, approved the Interlocal Agreement for the exchange of real property on Rose Canyon Road in Herriman, Utah, and now desire to amend that agreement to clarify that Herriman’s obligations regarding the its consideration under the agreement survive the closing of the real estate transaction contemplated by the agreement;

WHEREAS, the Board of the LBA finds that it is in the best interests of the LBA to enter into the First Amendment of the Interlocal Cooperation Agreement for the exchange of real property on Rose Canyon Road in Herriman (the “First Amendment”), a copy of which is attached hereto; and

WHEREAS, Section 11-13-202.5 of the Act requires that certain interlocal agreements be approved by resolution of the governmental entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE LOCAL BUILDING AUTHORITY OF UNIFIED FIRE SERVICE AREA AS
FOLLOWS:**

1. The Amendment shall be and hereby is authorized and approved and the Board Chair of the LBA shall be and is authorized, empowered, and instructed to execute and deliver the Agreement on behalf of the LBA.

2. The Board Chair of the LBA shall be and hereby is authorized, empowered and directed to take such additional acts and execute such additional documents as may be necessary or appropriate to implement the Amendment.
3. The keeper of the records of the LBA is authorized and instructed to keep and maintain an executed copy of the Interlocal Amendment.
4. This Resolution has been placed on the agenda and this action is taken by the LBA Board of Trustees in compliance with the Utah Open and Public Meetings Act.
5. This Resolution shall be effective immediately upon adoption by the LBA Board of Trustees, but the Amendment shall be effective when all of the following requirements have been satisfied: (i) the Amendment has been approved by all parties as required by Section 11-13-202(2) of the Act; (ii) each party to the Amendment has submitted the Amendment to an attorney authorized to represent the said party for review as to proper form and compliance with applicable law as required by Section 11-13-202.5(3) of the Act; and (iii) the approved, signed Amendment has been filed with the keeper of records of each of the parties as required by Section 11-13-209 of the Act.

**ADOPTED BY THE BOARD OF TRUSTEES OF THE LOCAL BUILDING
AUTHORITY OF UNIFIED FIRE SERVICE AREA THIS 21ST DAY OF AUGUST,
2018.**

Chair J. Silvestrini

ATTEST:

Clerk M. Roper

4823-0638-9616, v. 1

HERRIMAN, UTAH
RESOLUTION NO. R38-2018

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO AN INTERLOCAL
COOPERATIVE AGREEMENT BETWEEN THE LOCAL BUILDING AUTHORITY
OF THE SALT LAKE VALLEY FIRE SERVICE AREA AND HERRIMAN CITY FOR
THE EXCHANGE OF REAL PROPERTY**

WHEREAS, the Herriman City Council ("*Council*") met in regular session on July 11, 2018, to consider, among other things, approving the First Amendment to an Interlocal Cooperative Agreement between the Local Building Authority of the Salt Lake Valley Fire Service Area and Herriman City for the exchange of real property; and

WHEREAS, the Utah Interlocal Cooperative Act (UTAH CODE ANN. § 11-13-101, *et seq.*) (the "*Act*") provides that any two or more government entities are authorized to enter into agreements with each other to do what each agency is authorized by law to perform; and

WHEREAS, the Act provides that any public agency may convey property to or acquire property from any other public agencies for consideration as may be agreed upon; and

WHEREAS, Herriman and the Local Building Authority of the Salt Lake Valley Fire Service Area ("*Area*") are government entities and may convey and acquire property as contemplated by the Act; and

WHEREAS, in or about April, 2018, Herriman and the Area Parties executed that certain Interlocal Agreement facilitating a swap of two parcels of land between the Parties; and

WHEREAS, the April 2018 Interlocal provided that Herriman provide additional consideration to the Area and concern has been raised that the additional consideration be provided after the swap is completed; and

WHEREAS, the Council finds that it is in the best interests of the inhabitants of Herriman to enter into the First Amendment to the Interlocal Cooperative Agreement ("*Amendment*") to provide that the additional consideration survive and be performed after the Closing; and

WHEREAS, the Amendment has been prepared for approval, which sets forth the purpose thereof, the extent of participation of the parties, and the rights and duties and responsibilities of the parties.

NOW, THEREFORE, BE IT RESOLVED that the Amendment is approved, and the City Manager and Recorder are hereby authorized and directed to execute and deliver the same.


This Resolution, assigned No. R38-2018, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council this 11th day of July, 2018.

HERRIMAN CITY



David Watts, Mayor



Jackie Nostrom, MMC
City Recorder



FIRST AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT

THIS FIRST AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT (the "Amendment") is made effective as of the 30th day of June, 2018, by and between the **LOCAL BUILDING AUTHORITY OF THE UNIFIED FIRE SERVICE AREA, FKA THE LOCAL BUILDING AUTHORITY OF THE SALT LAKE VALLEY FIRE SERVICE AREA**, a Utah local building authority (the "Fire Authority") and **HERRIMAN CITY**, a municipal corporation of the state of Utah (the "City"). The Fire Authority and City are sometimes individually referred to as a "Party" and sometimes collectively referred to as the "Parties."

RECITALS

A. Utah Code Ann. § 11-13-202 provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions.

B. On or around April, 2018, the Parties executed that certain Interlocal Agreement facilitating a swap of two parcels of land between the Parties, which land is located on Rose Canyon Road in Herriman City, Utah (the "Property Trade Agreement").

C. In addition to the trade of real property parcels between the Parties, the Property Trade Agreement, in Article 2, required additional consideration by the City such that the City would install or pay the Fire Authority for (1) sidewalk, park strip landscaping, park strip irrigation, and street lights along the frontage of the property; (2) two culinary water stubs to the Fire Authority property; and (3) one sanitary sewer lateral to the Fire Authority property.

D. Under Article 4 of the Property Trade Agreement, the closing of the trade was to be conditioned upon the Parties' compliance with their respective obligations under said agreement *prior to, or on, the Closing Date*.

E. It is the Parties' actual intention that the City's obligations listed under Article 2 will be performed after the Closing, and therefore the Parties desire to amend the Property Trade Agreement to make that fact clear.

AGREEMENT

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

1. The above recitals are hereby incorporated into this Amendment as if fully set forth herein.

2. The following sentence is added to the end of Article 2 of the Property Trade Agreement:

Notwithstanding anything herein to the contrary, the obligations of the City set forth in this Article 2 shall survive and be performed after the Closing and shall be performed by the City before the Fire Authority develops the Fire Authority property or during roughly the same time as said development, in coordination therewith, as shall be mutually agreeable to the Parties.

3. In the event of any inconsistency between the provisions of this Amendment and any provision of the Property Trade Agreement, the provisions contained in this Amendment shall govern and control.

IN WITNESS WHEREOF, the Fire Authority, by resolution duly adopted by its governing authority caused this Agreement to be signed and attested; and the City, but resolution of its Council, caused this Agreement to be signed by the Mayor, or his designee.

HERRIMAN CITY

**LOCAL BUILDING AUTHORITY OF
THE UNIFIED FIRE SERVICE AREA,
FKA THE LOCAL BUILDING
AUTHORITY OF THE SALT LAKE
VALLEY FIRE SERVICE AREA**

By: 
Brett Geo Wood, City Manager

By: _____
Mayor Jeff Silvestrini, Board Chair

ATTEST:


Jackie Nostrom, City Recorder

ATTEST:

Michelle Roper, Clerk

APPROVED AS TO FORM:


John Brems, City Attorney

APPROVED AS TO FORM:

Rachel S. Anderson, Attorney

Herriman City

RESOLUTION NUMBER: **R38-2018**

SHORT TITLE: A RESOLUTION APPROVING THE FIRST AMENDMENT TO AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE LOCAL BUILDING AUTHORITY OF THE SALT LAKE VALLEY FIRE SERVICE AREA AND HERRIMAN CITY FOR THE EXCHANGE OF REAL PROPERTY

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
David Watts			X		
Nicole Martin	X		X		
Jared Henderson			X		
Sherrie Ohrn			X		
Clint Smith		X	X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 11th day of July, 2018, on a roll call vote as described above.