

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: April 20, 2011

AGENDA ITEM: Approve Resolution No. 11-10 approving Inter local Agreement with Sandy City, West Jordan City, West Valley City, and Salt Lake County relating to the conduct of the Home Investment Partnership Program for the Federal Fiscal Years 2012 through 2014.

PUBLIC HEARING REQUIRED – YES NO

ORDINANCE RESOLUTION X

PRESENTER: John Inch Morgan

ISSUE SUMMARY: Consideration of approval for Resolution No. 11-10 approving Inter local Agreement with Sandy City, West Jordan City, West Valley City, and Salt Lake County relating to the conduct of the Home Investment Partnership Program for the Federal Fiscal Years 2012 through 2014.

COMMISSION / ADVISORY BOARD RECOMMENDATION: N/A

STAFF RECOMMENDATION: N/A

CITY ATTORNEY (Approved as to form): N/A

ATTACHMENTS: Resolution No. 11-10
Interlocal Cooperative Agreement

ACTION REQUIRED: Council Approval

TAYLORSVILLE, UTAH
RESOLUTION NO. 11-10

**A RESOLUTION OF TAYLORSVILLE APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT WITH SANDY CITY, WEST JORDAN CITY,
WEST VALLEY CITY, AND SALT LAKE COUNTY RELATING TO THE
CONDUCT OF THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR
THE FEDERAL FISCAL YEARS
2012 THROUGH 2014**

WHEREAS, the Taylorsville City Council ("*Council*") met in regular meeting on April 20, 2011, to consider, among other things, approving an Interlocal Cooperative Agreement with Sandy City, West Jordan City, West Valley City, and Salt Lake County relating to the conduct of the HOME Investment Partnership Program for the Federal Fiscal Years 2012 through 2014; and

WHEREAS, the Utah Interlocal Cooperative Act (Utah Code Ann. § 11-13-101, *et seq.*) (the "*Act*") provides that 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 Sandy City, West Jordan City, West Valley City, Salt Lake County and Taylorsville are governmental entities as contemplated by the Act; and

WHEREAS, the referenced entities are authorized to administer and conduct Home Investment Partnership Programs pursuant to the Cranston-Gonzales National Affordable Housing Act of 1990; and

WHEREAS, the entities have prepared for approval and execution an Interlocal Cooperative Agreement ("*Agreement*") that provides, among other things, the purpose thereof and the extent of required participation of the parties and rights, duties, and responsibilities and obligations of the parties in the conduct of administration of the home programs; and

WHEREAS, the Council has determined that it is in the best interest of the inhabitants of Taylorsville to enter into the Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Agreement be approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the Agreement.

This Resolution, assigned No. 11-10, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Taylorsville, Utah, this _____ day of _____, 2011.

TAYLORSVILLE CITY COUNCIL

By: _____
Jerry Rechtenbach, Chairman

VOTING:

Bud Catlin	Yea	___	Nay	___
Larry Johnson	Yea	___	Nay	___
Dama Barbour	Yea	___	Nay	___
Morris Pratt	Yea	___	Nay	___
Jerry Rechtenbach	Yea	___	Nay	___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2011.

APPROVED this _____ day of _____, 2011.

Russ Wall, Mayor

ATTEST:

Cheryl P. Cottle, City Recorder

DEPOSITED in the office of the City Recorder this _____ day of _____, 2011.

RECORDED this _____ day of _____, 2011.

SALT LAKE COUNTY COUNCIL
RESOLUTION

RESOLUTION NO. _____

DATE _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SANDY CITY, WEST JORDAN CITY, WEST VALLEY CITY, AND TAYLORSVILLE CITY RELATING TO THE CONDUCT OF THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR THE FEDERAL FISCAL YEARS 2012 THROUGH 2014.

The Legislative Body of Salt Lake County resolves as follows:

WHEREAS, the Salt Lake County Council does hereby determine that it is in the public interest and welfare of the residents of the County that the County engage in a cooperative effort with West Valley City, West Jordan City, Sandy City, and Taylorsville City for the conduct of the HOME Investment Partnership Program (HOME) in the County under and pursuant to the Cranston-Gonzalez National Affordable Housing Act of 1990;

WHEREAS, an Interlocal Cooperation Agreement (Agreement) has been prepared for approval and execution by and between the County and West Valley City, West Jordan City, Sandy City, and Taylorsville City pursuant to which the HOME program will be undertaken and administered. That Agreement states the purposes thereof, and the extent of the required participation of the parties and the rights, duties, responsibilities, and obligations of the parties in the conduct and administration of the HOME program as specified therein; and

WHEREAS, under the Utah Interlocal Cooperation Act, Utah Code Annotated, 11-13-1 *et seq.*, (2004) any two or more public agencies, as defined therein, may enter into agreements with one another for joint or cooperative action and may also contract with each other to perform any governmental service activity or undertaking which each public agency entering into the

contract is authorized by law to perform.

NOW, THEREFORE, BE IT RESOLVED by the Salt Lake County Council that the
aforementioned Interlocal Cooperation Agreement between Salt Lake County and West Valley
City, West Jordan City, Sandy City, and Taylorsville City relating to the HOME Investment
Partnership Program effective as of October 1, 2011 is hereby accepted and approved by the
Council and the Mayor is hereby authorized to execute the same on behalf of Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2011.

SALT LAKE COUNTY COUNCIL.

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Horiuchi voting	_____
Council Member Iwamoto voting	_____
Council Member Jensen voting	_____
Council Member Snelgrove voting	_____
Council Member Wilde voting	_____

APPROVED AS TO FORM
Salt Lake County District Attorney's Office
By _____
Deputy District Attorney
Date 4-16-11

INTERLOCAL COOPERATION AGREEMENT

BETWEEN

SALT LAKE COUNTY

AND

SANDY CITY, WEST JORDAN CITY, WEST VALLEY CITY, AND TAYLORSVILLE CITY RELATING TO THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR FEDERAL FISCAL YEARS 2012 THROUGH 2014

This Agreement is made and entered into and shall be effective as of October 1, 2011 by and between Salt Lake County ("County") a body corporate and politic of the State of Utah, and Sandy City, West Jordan City, West Valley City and Taylorsville City (the "Cities"), municipal corporations of the State of Utah located within Salt Lake County.

RECITALS

WHEREAS, the HOME Program is authorized by the HOME Investment Partnerships Act, which is Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (42 U.S.C. 12701 et seq.) (the "Act"), and which permits and provides for the participation of the United States Government in a wide range of local housing activities and programs authorized under Title II of the Act (the "HOME Program") and administered by the U.S. Department of Housing and Urban Development ("HUD");

WHEREAS, Section 216(2) of the Act provides that a consortium of geographically contiguous units of general local government can be considered to be a

unit of general local government for the purpose of the HOME Program;

WHEREAS, in accordance with Section 217(b)(3) of the Act, approved consortia of units of local governments are considered jurisdictions eligible to receive allocations of HOME funds by formula;

WHEREAS, the parties are governmental entities and are therefore authorized by the Utah Interlocal Cooperation Act, Section 11-13-1, *et seq.*, Utah Code Annotated, (2004) to enter into agreements with each other to perform any governmental service, activity and undertaking which each governmental entity is authorized by law to perform;

WHEREAS, the Cities and County have determined that it will be mutually beneficial and in the public interest to enter into an interlocal cooperation agreement to form a consortium in order to receive HOME funds and to participate in the HOME Program;

NOW THEREFORE, in consideration of the mutual promises contained herein, the County and Cities agree as follows:

1. The parties agree to cooperate to undertake or to assist in undertaking housing assistance activities pursuant to the HOME Program and agree, collectively and individually, to affirmatively further fair housing.
2. The parties authorize the County to act in a representative capacity for all members of the consortium for the purposes of the HOME Program. As the lead entity, the County may add new members to the consortium.
3. The parties agree that the County, as the lead entity, shall assume overall responsibility for ensuring the consortium's HOME Investment Partnership Program is

carried out in compliance with the requirements of the program, including requirements concerning a Consolidated Plan as set forth in HUD regulations in 24 CFR Parts 91 and 92 and the requirements of 24 CFR 92.350.

4. This Agreement shall begin as of the above-mentioned date and shall continue for federal fiscal years 2012 through 2014 consistent with the Salt Lake County Urban County qualification. The parties further agree that:

(a) this Consortium Agreement will, at a minimum, remain in effect until the HOME funds from each of the federal fiscal years of the qualification period are expended for eligible activities;

(b) no Consortium Member may withdraw from the Agreement while the Agreement remains in effect; and,

(c) this Agreement shall be governed by the requirements of the then current Consortium Qualification notice.

5. This Agreement has attached to it five separate signature pages for each of the parties to this Agreement, which shall be executed separately and attached to this Agreement after execution by the named party and together with each other signature page and with this Agreement shall constitute the full Agreement of all the parties.

6. No separate entity is created by this Agreement; however, to the extent that any administration of this Agreement becomes necessary, the County Mayor or designee and the Cities mayors or designees, shall constitute a joint board for such purpose.

7. Any other real or personal property acquired by the parties jointly under

this Agreement, and paid for by them, shall be divided as the parties' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective payment for the property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property. If property is purchased at one party's sole expense in connection with this Agreement, then the property so purchased shall be and remain the property of the party which purchased it.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly authorized and executed by each on the dates specified on each signature page.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

SIGNATURE PAGE FOR SALT LAKE COUNTY
TO
INTERLOCAL COOPERATION AGREEMENT
HOME INVESTMENT PARTNERSHIP PROGRAM
FOR
FEDERAL FISCAL YEARS 2009 THROUGH 2011

SALT LAKE COUNTY

By: _____
Mayor Peter Corroon or Designee

STATE OF UTAH)
 : ss.
County of Salt Lake)

On this _____ day of _____, 2011, personally appeared
before me _____, who being duly sworn, did say
that (s)he is the _____ of
Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on
behalf of Salt Lake County, by authority of law.

NOTARY PUBLIC
Residing in Salt Lake County, Utah

[Seal]

Administrative Approval:
Community Resources and Development

Approved as to Form and Legality:
Salt Lake County District Attorney

By: _____
Michael Gallegos, Director

By: _____
Deputy District Attorney

Date: _____

Date: 4-6-11

SIGNATURE PAGE FOR SANDY CITY
TO
INTERLOCAL COOPERATION AGREEMENT
HOME INVESTMENT PARTNERSHIP PROGRAM
FOR
FEDERAL FISCAL YEARS 2009 THROUGH 2011

SANDY CITY

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Name: _____

Title: _____

Approved as to Form and Legality:
Sandy City Attorney

By: _____

Date: _____

SIGNATURE PAGE FOR WEST JORDAN CITY
TO
INTERLOCAL COOPERATION AGREEMENT
HOME INVESTMENT PARTNERSHIP PROGRAM
FOR
FEDERAL FISCAL YEARS 2009 THROUGH 2011

WEST JORDAN CITY

BY: _____

Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Name: _____

Title: _____

Approved as to Form and Legality:
West Jordan City Attorney

By: _____

Date: _____

SIGNATURE PAGE FOR WEST VALLEY CITY
TO
INTERLOCAL COOPERATION AGREEMENT
HOME INVESTMENT PARTNERSHIP PROGRAM
FOR
FEDERAL FISCAL YEARS 2009 THROUGH 2011

WEST VALLEY CITY

BY: _____

Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Name: _____

Title: _____

Approved as to Form and Legality:
West Valley City Attorney

By: _____

Date: _____

SIGNATURE PAGE FOR TAYLORSVILLE CITY
TO
INTERLOCAL COOPERATION AGREEMENT
HOME INVESTMENT PARTNERSHIP PROGRAM
FOR
FEDERAL FISCAL YEARS 2009 THROUGH 2011

TAYLORSVILLE CITY

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Name: _____

Title: _____

Approved as to Form and Legality:
Taylorsville City Attorney

By: _____

Date: _____

Ralph Chamness
Chief Deputy
Civil Division



DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

Jeffrey William Hall
Chief Deputy
Justice Division

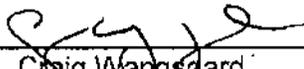
Blake Nakamura
Chief Deputy
Justice Division

April 5, 2011

STATEMENT OF LEGAL COUNSEL FOR
SALT LAKE COUNTY, UTAH

I have reviewed the foregoing Agreement and based on that review it is my opinion that the terms, conditions, and other provisions thereof are fully authorized under state and local law, specifically, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated (2004), (the "Act"). Further, the Agreement provides full legal authority, pursuant to the Act, for the County, acting pursuant to its general powers to provide services, exercise powers, and perform functions reasonably related to the safety, health, morals, and welfare of its inhabitants, as provided by Article XI, Section 1 of the Constitution of Utah; and Title 17, Chapter 50, Utah Code Annotated (2004), to undertake or assist in undertaking housing assistance activities for the HOME Investment Partnership Program in cooperation with Sandy City, West Jordan City, West Valley City and Taylorsville City, acting pursuant to their general powers to provide services, exercise powers, and perform functions reasonably related to the safety, health, morals, and welfare of their inhabitants, as provided by Article XI, Section 5 of the Constitution of Utah, and Title 10, Chapters 1 through 18, Utah Code Annotated (2004).

SALT LAKE COUNTY DISTRICT ATTORNEY

By  4-5-11
Craig Wangsgard
Deputy District Attorney