

# COTTONWOOD HEIGHTS

## RESOLUTION NO. 2017-58

### A RESOLUTION APPROVING ENTRY INTO A MEMORANDUM OF UNDERSTANDING WITH CANYONS SCHOOL DISTRICT CONCERNING THE BUTLER MIDDLE SCHOOL AUDITORIUM

**WHEREAS**, the Interlocal Cooperation Act, 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**, Canyons School District ("*District*") and the city of Cottonwood Heights ("*City*") are public agencies for purposes of the Interlocal Cooperation Act; and

**WHEREAS**, District and City previously entered into an "Interlocal Cooperative Agreement (Butler Middle School)" (the "*ILA*") whereunder City agreed to, and did, provide up to \$1.0 Million in funding to increase the seating capacity of the auditorium/theatre (the "*Theatre*") in District's Butler Middle School then under construction from 650 seats to 1,000 seats and to make other enhancements to the Theatre; and

**WHEREAS**, in recognition of City's financial contribution to the betterment of the Theatre, under the ILA the parties agreed that although CSD would have the primary right to use the Theatre during the school year, City would have the primary right to use the Theatre during the summer months when school is not in session and the secondary right to use the Theatre during the school year, all as more fully explained in the ILA; and

**WHEREAS**, City's use of the Theatre during the summer months allows City's arts council/theatre program to annually stage a theatre production which allows artists and patrons in the community served by both governmental entities to participate in and watch a first-rate, locally-produced play, thereby enhancing artistic expression and appreciation in the community; and

**WHEREAS**, although the ILA provides general guidance concerning such joint use of the Theatre, the parties desire to enter into a memorandum of understanding (the "*MOU*") to provide additional detail concerning such joint use; and

**WHEREAS**, City's municipal council (the "*Council*") met in regular session on 24 October 2017 to consider, among other things, approving City's entry into the MOU; and

**WHEREAS**, the Council has reviewed the form of the MOU, a photocopy of which is annexed hereto; and


**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of City to approve City's entry into the MOU as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood Heights that the attached MOU be, and hereby is, approved, and that City's mayor and recorder are authorized and directed to execute and deliver the MOU on behalf of City.

This Resolution, assigned no. 2017-58, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 24<sup>th</sup> day of October 2017.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By   
**Kelvyn H. Cullimore, Jr., Mayor**

**ATTEST:**

  
**Paula Melgar, Recorder**



**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 24<sup>th</sup> day of October 2017.

**RECORDED** this 24 day of October 2017.