Dale Coulam

Subject: FW: 1st Amended RAP Tax Interlocal Agreement
Attachments: 150527 1st Amended Interlocal Agreement re RAP tax.docx; 150527 Resolution Approving First Amended RAP Tax Interlocal Agreement.doc

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From: Eric Clarke [mailto:Eric.Clarke@wcattorney.com]
Sent: Wednesday, May 27, 2015 2:49 PM
To: Jeff Starkey; heath@binghamsnow.com; ghardman@snowjensen.com; Matt Ence (mence@snowjensen.com); Russell Gallian (carma@utahcase.com); fayreber@infowest.com; kforbes@clarksondraper.com; kuhllaw@infowest.com; kevinbennett@laverkincity.org; 'shawn.guzman@sgcity.org'; Dale Coulam
Cc: Nicholle Felshaw; Dean Cox
Subject: RE: 1st Amended RAP Tax Interlocal Agreement

City and Town Attorneys,

No one requested any changes to the amended RAP interlocal agreement. I've attached a clean version of the agreement I sent out a couple of weeks ago. Please have this added to your city council agendas and have your clients send a copy of the signed agreement to Nicholle at the county commission office. I've also attached the county resolution approving the agreement that you can use as a model if you'd like.

Let me know if you have any questions or concerns, and thanks for your help on this.

Eric Clarke
Deputy Washington County Attorney
W (435) 986-2605
C (435) 632-5549

From: Eric Clarke
Sent: Tuesday, May 12, 2015 2:00 PM
To: 'Jeff Starkey'; 'heath@binghamsnow.com'; 'ghardman@snowjensen.com'; Matt Ence (mence@snowjensen.com); Russell Gallian (carma@utahcase.com); 'kuhlaw@infowest.com'; 'kevinbennett@laverkincity.org'; 'fayreber@infowest.com'; 'kforbes@clarksondraper.com'
Cc: 'shawn.guzman@sgcity.org'; dcoulam@ivins.com
Subject: 1st Amended RAP Tax Interlocal Agreement

City and Town Attorneys,

Attached is a redlined version of an amended interlocal agreement on the RAP tax. The original agreement was signed in the spring of 2014, and as a couple of cities have put together budgets this year, they raised some concerns over some of the language in the original agreement that could have been read to require the cities to use the county advisory board for distributions going to 501(c)(3) organizations. Additionally, they sought clarifying language that RAP funds can be used to fund ongoing operating expenses of recreational and cultural facilities. We have re-worked the language, and I wanted to give you all the opportunity to look it over before it goes before the county commission and your city and town councils.

Basically, what these changes are trying to do is leave the cities and towns free to use RAP tax funds in accordance with the state code. The county is not placing any additional requirements on the cities and town—and the cities and towns are responsible for interpreting the statute and defending their interpretations if challenged. The statute governing the

distribution of funds has some ambiguity. I am more than happy to talk through it with any of you before you advise your client on how the funds can be spent. My phone numbers are listed at the bottom of this email.

I appreciate your timely response to this issue. It is important that we get this agreement finalized and start approving it soon because some of your clients will adopt budgets based on these changes.

Thanks,

Eric Clarke
Deputy Washington County Attorney
W (435) 986-2605
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