

1. 2019-8-6 Cda Agenda

Documents:

[2019-8-6 CDA AGENDA.PDF](#)

2. 2019-8-6 Cda Packet

Documents:

[2019-8-6 CDA PACKET.PDF](#)

3. 2019-8-6 Cda Approved Minutes

Documents:

[2019-8-6 CDA MINUTES APPROVED.PDF](#)

AGENDA – Saratoga Springs Community Development and Renewal Agency Meeting

Board Members:

Jim Miller
Shellie Baertsch
Michael McOmber
Ryan Poduska
Chris Porter
Stephen Willden

SARATOGA SPRINGS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

Tuesday, August 6, 2019, ~6:00 PM

City of Saratoga Springs Council Chambers

1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045

1. Call to Order.
2. Roll Call.

BUSINESS ITEM:

1. Adoption of Bylaws, Appointment of Officers; CDA Resolution R19-1 (8-6-19).
2. Consideration of a resolution initiating the process of adopting a Community Reinvestment Project Area Plan by designating a Survey Area known as the "CRA Project Area 1 Survey Area"; CDA Resolution R19-2 (8-6-19).

ADJOURNMENT

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ADJOURNMENT

Resolution No. CDA R19-1 (8-6-19)

**A RESOLUTION OF THE SARATOGA SPRINGS
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
ADOPTING BYLAWS TO GOVERN THE AGENCY.**

WHEREAS the Saratoga Springs Community Development and Renewal Agency (the “Agency”) has been created by the Saratoga Springs City Council to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated (Limited Purpose Local Government Entities — Community Reinvestments Agencies Act); and

WHEREAS the Agency finds it necessary and desirable to adopt Bylaws to govern the Agency; and

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE AGENCY:

- 1.** The Bylaws attached as **Exhibit A** are adopted as the official Bylaws of the Agency. The Bylaws will govern the operation of the Agency.
- 2.** This resolution takes effect upon adoption.

APPROVED AND ADOPTED this August 6, 2019.

Chairperson

Attest:

Secretary

Bylaws

Exhibit A

BYLAWS

of the

SARATOGA SPRINGS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

I. Agency Officers

A. *Officers.*

The officers of the Agency are the Chairperson, the Vice-Chair, the Secretary, the Executive Director, and the Redevelopment Director. The person serving at any time as the Chairperson of the City Council is the same person who serves as the Chairperson of the Board, and the person serving at any time as the Vice-Chair of the City Council is the same person who serves as Vice-Chair of the Board. The person serving at any time as the City Manager is the same person who serves as the Executive Director of the Agency; the person serving at any time as the Assistant City Manager (or as otherwise appointed by the Executive Director) is the same person who serves as the Redevelopment Director; and the person serving at any time as the City Recorder is the same person who serves as the Agency Secretary. Each of the Officers may appoint a delegate to act in his or her place in the event such Officer shall be absent from duties for a prolonged period of time. Any change in the person filling the corresponding City position shall automatically constitute a similar change in the corresponding position of the Agency.

B. *The Chairperson.*

The Agency Chairperson presides at all Agency meetings.

C. *The Vice-Chair.*

The Vice-Chair serves as the acting Chair in the absence or incapacity of the Chair.

D. *The Secretary.*

The Secretary of the Agency acts as recorder of the meetings of the Agency and records all votes according to the requirements of the Utah Open and Public Meetings Act, Title 52, Chapter 4 of the Utah Code. The Secretary must (1) keep a record of the proceedings of the Agency, (2) keep the official documents and records of the Agency, and (3) perform all duties incident to the office. The Secretary must keep in safe custody all Agency records. There may also be an assistant Secretary appointed by the Executive Director, in the Executive Director's discretion, to serve as directed by the Agency, and in the absence of the Secretary.

E. *The Executive Director.*

The Executive Director has general supervisory authority over the administrative and business affairs of the Agency. The Executive Director must countersign all contracts, deeds, resolutions, orders,

checks, and other instruments, including instruments of indebtedness, made by the Agency, after such documents have been properly prepared and signed by the Secretary. The Executive Director must implement the resolutions, policies, and other directives properly adopted or given by the Board. The Executive Director must regularly attend meetings of the Board, and should, in the Executive Director's sole discretion, make recommendations to the Board. The Executive Director may, in his or her sole discretion, perform any duties of the Redevelopment Director identified in these Bylaws or in the Policies and Procedures. The Executive Director may appoint Agency employees and staff and engage professional consultants and outside legal counsel. The Executive Director may create administrative procedures to govern the operations of the Agency and to carry out any policies adopted by the Board.

F. *The Redevelopment Director.*

The Redevelopment Director serves under and reports to the Executive Director and has all the duties as assigned from time to time by the Executive Director or by Resolution of the Board.

III. Agency Employees and Independent Contractors

A. *Agency Employees.*

The Executive Director may, by appointment from time to time, employ personnel, permanent and temporary, as the Executive Director deems necessary to exercise its powers, duties, and functions and determine personnel qualifications, duties and compensation.

B. *Independent Contractors.*

The Executive Director may enter into contracts with independent contractors for technical expertise and any other agents and persons, permanent and temporary, to exercise its powers, duties, and functions, and determine their qualifications, duties, and compensation. For legal service required by the Agency, the Agency may employ or retain under contract its own legal counsel.

IV. Agency Board

A. *Governance.*

The Board governs the Agency and exercises all powers not otherwise enumerated to the Agency officers, including but not necessarily limited to the following:

1. Adopt resolutions and policies as the Board deems appropriate;
2. Approve the Agency's annual budget, including any amendments;
3. Adopt and amend the Agency Bylaws; and
4. Perform all other actions that may be required by law.

B. *Regular Board Meetings.*

Regular Board meetings that are scheduled in advance over the course of a year will be held on the same day as regular City Council meetings in the Council Chambers. Regular Board meetings may be

held prior to, following, or during a recess of a Council meeting. Agency meetings will be noticed on a separate Agency agenda or a joint agenda with the City Council. Public notice of the regular Board meetings, specifying the date, time, and place of the meetings, must be given once each year pursuant to a resolution of the Agency adopted in the same meeting in which the Agency's annual budget is adopted, or at any other time as the Agency's Governing Board deems appropriate. Public notice must be given by posting the date, time and place of the meetings at the principal office of the Agency and on the Utah Public Notice Website and by providing notice of such information to a newspaper or newspapers of general circulation in the City.

C. *Special Meetings.*

When the Chairperson (or the Vice-Chair in the absence or incapacity of the Chair), the Executive Director, or a majority of the Board deems it expedient, he, she or they may call a special meeting of the Board for the purpose of transacting any business designated in the call. At least 24 hours before each special meeting, the call for the meeting must be delivered personally or electronically to each member of the Board or left at his or her usual place of abode.

D. *Public Notice of Individual Meetings.*

At least 24 hours before each regular or special meeting of the Board, notice of the agenda, date, time, and place of each meeting must be provided by posting notice at the principal office of the Agency and on the Utah Public Notice Website and by providing notice to at least one newspaper of general circulation within the City or to a local media correspondent.

E. *Quorum.*

The Board Quorum and voting requirements are identical to the Quorum and voting requirements of the City Council.

F. *Resolutions.*

All resolutions must be in writing and designated by number, reference to which must be inscribed in the minutes and an approved copy filed in the official book of Agency resolutions. Except as otherwise expressly set forth in these Bylaws or in policies or rules of procedure adopted by the Board from time to time, meetings of the Board will proceed according to the rules of procedure adopted by the City Council.

IV. Policies and Procedures

The Agency Board may adopt policies of the Agency, and the Executive Director may adopt administrative procedures of the Agency, from time to time each in their own sole discretion and within the realm of their respective authority and powers as described in these Bylaws and applicable law. In the absence of any duly adopted Agency policy or procedure, the policies and procedures of the City are hereby adopted by the Agency Board and the Executive Director to govern the affairs of the Agency; however, if there is a conflict between any adopted Agency policy or procedure and any City policy or procedure, the adopted Agency policy or procedure will prevail.

[End of Terms – Signature Page Follows]

ADOPTED as of August 6, 2019, by resolution of the Board.

Chairperson

Attest:

Agency Secretary

SARATOGA SPRINGS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

Resolution No. CDA R19-2 (8-6-19)

A RESOLUTION INITIATING THE PROCESS OF ADOPTING A COMMUNITY REINVESTMENT PROJECT AREA PLAN BY DESIGNATING A SURVEY AREA KNOWN AS THE “CRA PROJECT AREA 1 SURVEY AREA”.

A. The Saratoga Springs Community Development and Renewal Agency (the “Agency”) is a political subdivision of the State of Utah, created by the City of Saratoga Springs for the purposes currently set forth in the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code.

B. The Agency desires to initiate the process of adopting one or more community reinvestment project area plans by adopting this resolution establishing the boundaries of a survey area. The boundaries of the survey area are described/depicted in the map/description attached to this resolution as **Exhibit A** (the “CRA Project Area 1 Survey Area”). The CRA Project Area 1 Survey Area is located entirely within the Agency’s boundaries.

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE AGENCY:

1. The CRA Project Area 1 Survey Area requires study to determine whether project area development is feasible within one or more proposed community reinvestment project areas within the CRA Project Area 1 Survey Area. Agency staff, consultants and legal counsel are authorized and instructed to conduct such study.

2. Agency staff, consultants and legal counsel are authorized to prepare a proposed community reinvestment project area plan for each proposed community reinvestment project area designated by them in the CRA Project Area 1 Survey Area, and to conduct any examination, investigation, or negotiation regarding each proposed community reinvestment project area that they consider appropriate.

3. The *above* recitals, and all attached Exhibits, are by this reference made part of this resolution. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED on this August 6, 2019.

Agency Chairperson

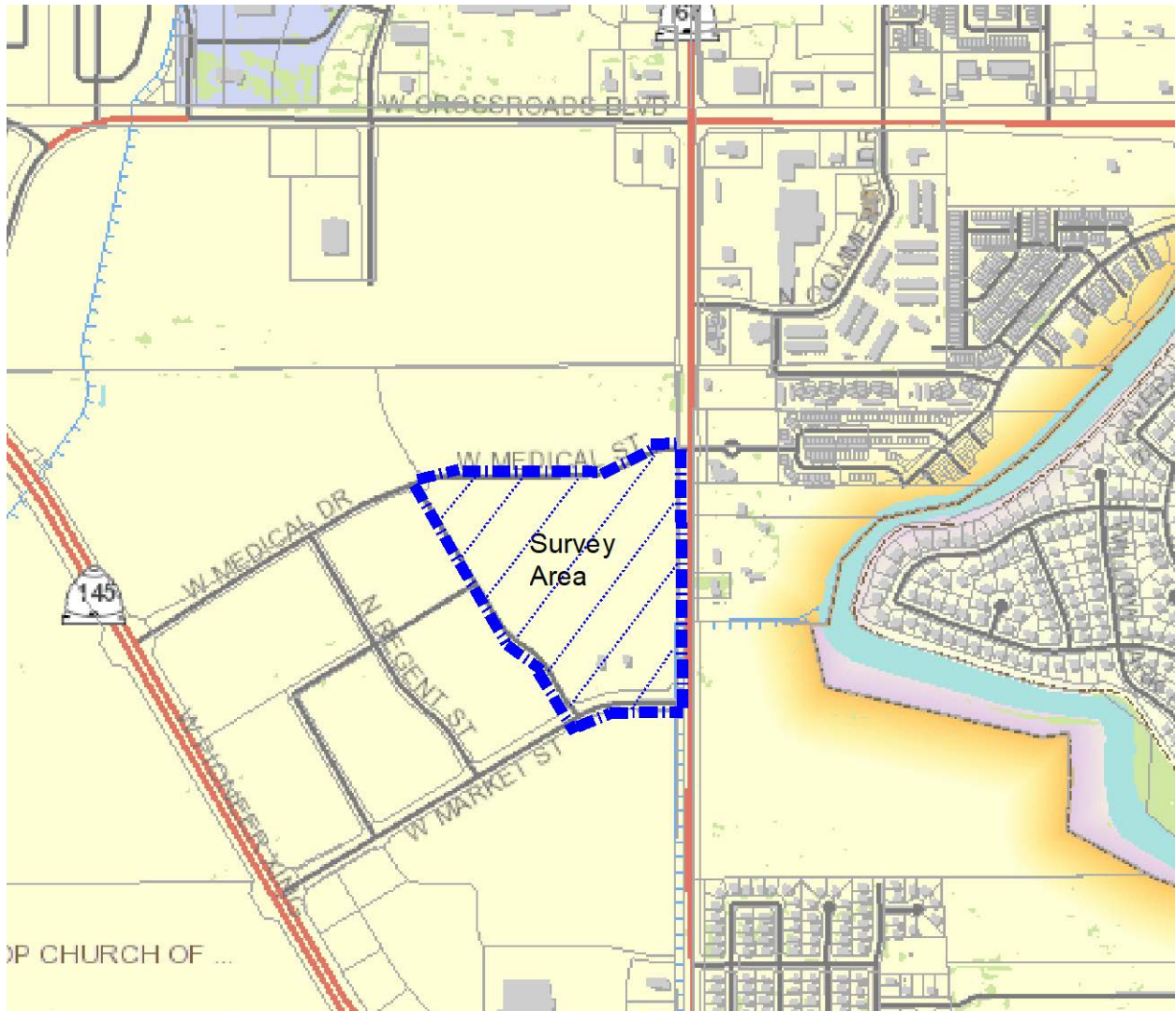
Attest:

Secretary

Exhibit A

Survey Area Map/Description

A portion of Utah County Parcel No. 58:032:0187, depicted as follows:



MINUTES – SARATOGA SPRINGS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BOARD

Tuesday, August 6, 2019

Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Saratoga Springs Community Development and Renewal Agency Board Meeting

Call to Order: Chair Jim Miller called the Meeting to order at 6:18 p.m.

Roll Call:

Present Chair Jim Miller, Board Members Shellie Baertsch, Chris Porter, and Stephen Willden.
Board Member Michael McOmber excused.

Staff Present Executive Director Mark Christensen, Legal Counsel Kevin Thurman, Redevelopment Director City Manager Owen Jackson, and Secretary Cindy LoPiccolo.

BUSINESS ITEMS:

1) Adoption of Bylaws, Appointment of Officers; CDA Resolution R19-1 (8-6-19).

Executive Director Christensen presented the report and introduced the Resolution for adoption of Agency Bylaws and appointment of officers. Board Member Porter noted in regard to appointment of officers the Bylaws should be corrected to state "Mayor" and "Mayor Pro Tem" of the City Council appointed as Chair and Vice-Chair of the Agency.

Motion by Board Member Porter to adopt the Bylaws and approve the appointment of Officers with noted correction, CDA Resolution R19-1 (8-6-19), was seconded by Board Member Willden.

Vote: Board Members Porter, Baertsch, Willden, and Poduska – Aye

Motion carried 4-0; Board Member McOmber excused.

2) Resolution Initiating the Process of Adopting a Community Reinvestment Project Area Plan by Designating a Survey Area Known as the "CRA Project Area 1 Survey Area"; CDA Resolution R19-2 (8-6-19).

Executive Director Christensen introduced the Resolution adopting the survey area pertaining to the Costco village plan. Board Member Baertsch questioned if the survey area should only include Costco as concerning outside pads qualifying for the benefits granted to Costco, Executive Director Christensen advised options can be discussed. Board Member Willden noted it was his understanding the Board has the option whether or not to add and can determine considerations. City Manager Christensen further advised the Council would have choice and enter into specific agreements, this would establish a larger footprint allowing incentives and increment options within the area.

Outside Legal Council Kyle Fielding, McDonald Fielding PLLC, was present for questions.


Motion by Board Member Baertsch to approve CDA Resolution R19-2 (8-6-19) initiating the process of adopting a Community Reinvestment Project Area Plan by designating a survey area known as the CRA Project Area 1 Survey Area, was seconded by Board Member Poduska.

Vote: Board Members Porter, Baertsch, Willden, and Poduska – Aye

Motion carried 4-0; Board Member McOmber excused.

ADJOURNMENT:

There being no further business, Chair Miller adjourned the meeting at 6:24 p.m.



Jim Miller, Chair

Attest:



Cindy LoPiccolo, Secretary

Approved: 9-17-19