SEVEN COUNTY INFRASTRUCTURE COALITION
January 17, 2020

Resolution No. 2020-01C

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE COALITION, UTAH STATE, UNIVERSITY OF UTAH AND EMERY COUNTY RELATED TO THE COAL COMBUSTION TEST EQUIPMENT, AND RELATED MATTERS.

WHEREAS, prior to 2019, the University of Utah owned and operated a piece of equipment suitable for coal combustion testing (the “Equipment”); and

WHEREAS, during the 2019 Legislative Session of the Utah State Legislature, an appropriation in the amount of $250,000 (the “2019 Appropriation”) was made that would enable the movement and transfer of the Equipment from the University of Utah; and

WHEREAS, Emery County along with six other counties previously formed and created the Coalition and Emery is a member thereof and may act for the benefit of the Coalition; and

WHEREAS, the 2019 Appropriation was directed to Utah State University to move and transfer the Equipment; and

WHEREAS, the parties desire to memorialize the understanding of the ownership of the Equipment between the parties.

NOW, THEREFORE, be it resolved by the Governing Board of the Seven County Infrastructure Coalition, Utah as follows:

1. The Governing Board approves and authorizes the Memorandum of Understanding, in substantially final form, between the Coalition, Emery County, the University of Utah, and Utah State University related to the coal combustion test equipment at the San Rafael Energy Research Center. The Board authorizes the Commissioner Brad Horrocks to execute such contract in substantially the form presented to the Board.

2. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

3. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.
APPROVED AND ADOPTED this January 17, 2020.

Motion by Miles and Seconded by Ogden.

SEVEN COUNTY INFRASTRUCTURE COALITION  VOTING:

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ABSENT
Co-Chair Brad Horrocks

Co-Chair, Lynn Sitterud

ATTEST:
Eric Johnson, Legal Counsel
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into as of January 10, 2020, by and between the Seven County Infrastructure Coalition ("Coalition"), Emery County ("Emery"), the University of Utah ("UofU"), and Utah State University ("USU"), all of which are public bodies or agencies within the State of Utah.

WHEREAS, prior to 2019, the UofU owned and operated a piece of equipment suitable for coal combustion testing (the "Equipment"); and

WHEREAS, during the 2019 Legislative Session of the Utah State Legislature, an appropriation in the amount of $250,000 (the "2019 Appropriation") was made that would enable the movement and transfer of the Equipment from the UoU; and

WHEREAS, Emery along with six other counties previously formed and created the Coalition and Emery is a member thereof and may act for the benefit of the Coalition; and

WHEREAS, the 2019 Appropriation was directed to USU to move and transfer the Equipment; and

WHEREAS, the parties desire to memorialize the understanding of the ownership of the Equipment between the parties:

NOW THEREFORE, the parties hereto agree as follows:

1. The Equipment has been transferred to a facility in Orangeville, Utah designated as the San Rafael Energy Research Center.
2. USU has received the entire $250,000 of the 2019 Appropriation, and has disbursed and delivered the entire amount of $250,000 from the 2019 Appropriation to Emery.
3. Emery shall transfer and deliver $100,000 to the UofU upon receipt of an invoice or other documentation received from the UofU related to the transfer of the Equipment.
4. USU, Emery, Uof U, and the Coalition each agrees that the Equipment is and shall be owned by the Coalition as the operator of the San Rafael Energy Research Center.
5. The balance of the 2019 Appropriation, in the amount of $150,000 shall be used to pay for costs of transferring, moving, and reassembling the equipment at the San Rafael Research Center and related matters and Emery shall provide USU receipts or other evidence that $150,000 has been expended for the transfer, moving, reassembling and matters related to the Equipment.

DATED AS OF JANUARY 10, 2020

SIGNATURES ON FOLLOWING PAGE
EMERY COUNTY, UTAH

Commissioner Lynn Sitterud

SEVEN COUNTY INFRASTRUCTURE COALITION

Brad Horrocks, Co-Chair

UTAH STATE UNIVERSITY

By: ____________________________ PRINT NAME AND TITLE

UNIVERSITY OF UTAH

By: ____________________________ PRINT NAME AND TITLE

Cathy Anderson
Chief Financial Officer