

KEARNS CITY COUNCIL

RESOLUTION NO. 2024-11-02

DATE: November 12, 2024

A RESOLUTION OF THE KEARNS CITY COUNCIL APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE GREATER SALT LAKE MUNICIPAL SERVICES DISTRICT TO OBLIGATE THE USE OF AMERICAN RESCUE PLAN ACT, (“ARPA”), CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND (“SLFRF”) FUNDS TO DESIGN, MOBILIZE, AND CONSTRUCT CERTAIN ROAD AND SIDEWALK PROJECTS

WHEREAS, the City of Kearns (“**Kearns**”) and the Greater Salt Lake Municipal Services District (“**MSD**”) are “public agencies” as defined by the Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101 *et. seq.*, and, as such, are authorized to enter into an Interlocal Agreement (“**Agreement**”) to act jointly and cooperatively on the basis of mutual advantage; and

WHEREAS, Kearns and the MSD wish to enter into the Agreement to obligate the use of ARPA’s SLFRF Funds (“**Funds**”) that Kearns received to fund government services in the amount equal to the revenue loss experienced by Kearns due to the COVID-19 public health emergency; and

WHEREAS, Kearns has established its revenue loss through its election of a standard allowance on April 15, 2022, pursuant to the Department of the Treasury’s 2022 Final Rule, 31 CFR Part 3; and

WHEREAS, on April 15, 2022, Kearns received \$4,299,678.00 in funding from the American Rescue Plan Act (“**ARPA**”) Coronavirus State and Local Fiscal Recovery Fund (“**SLFRF**”) (collectively, the “**Funds**”), of which \$2,631,284.85 now remains. The Funds are not fully expended and may be allocated for government services in the amount equal to revenue loss experienced by the City due to the COVID-19 public health emergency.

WHEREAS, Kearns agrees to obligate the remaining Funds for these government services by December 31, 2024, with the Funds to be expended by December 31, 2026, pursuant to the conditions as provided by the Treasury Department; and

WHEREAS, the Funds therefore may be used to pay for these government services that include road building, road maintenance, and road infrastructure; and

WHEREAS, Kearns desires to obligate a portion of the Funds to the MSD, or MSD contractors and subcontractors, through the Agreement (attached as Attachment A) to construct certain infrastructure, streetlight, and soundwall projects in the City of Kearns at 6200 South or Heath Area Overlay, 4015 West Bridge, 4015 West Twilight, NW Avenue Safety, Lodestone Avenue Traffic Calming, and South Kearns Elementary & Sams Boulevard and other Traffic Calming (hereafter “the Projects”); and

WHEREAS, Kearns desires to obligate a portion of the Funds to develop a Kearns Community

Center/City Hall through a separate agreement with a third party contractor and/or subcontractor and to authorize the MSD to use the Funds to pay for the services the selected contractor and/or subcontractor provide.

WHEREAS, the MSD agrees to perform the work to complete the design, mobilization, and construction of the Projects through the use of the obligated Funds on or before December 31, 2026; and

WHEREAS, Kearns has identified \$2,631,284.85 to be used for the Projects in its 2025 Capital Project Request List, and has obligated the Funds through this Agreement with the MSD.

NOW, THEREFORE, BE IT RESOLVED that by the Kearns City Council that effective immediately:

1. The interlocal agreement between Kearns and the MSD as attached in **Attachment A** is hereby approved by the Council and the Mayor and is hereby authorized to execute the same on behalf of Kearns.

2. The Agreement will go into effect when Kearns and the MSD have executed it and approved it as provided in Utah Code § 11-13-202.5 and when filed with the keeper of records as required in Utah Code § 11-13-209.

3. The Mayor and Kearns's staff are authorized to take such actions or modifications as may be necessary to execute the Agreement and to implement this resolution.

APPROVED and ADOPTED this ____ day of November, 2024.

KEARNS CITY COUNCIL

By: _____
Kelly Bush, Mayor

ATTEST

By: _____
Nicole Smedley, City Clerk/Recorder

KEARNS CITY COUNCIL VOTE:

Council Member Bush voting
Council Member Butterfield voting
Council Member Peterson voting
Council Member Snow voting
Council Member Schaeffer voting

ATTACHMENT A
INTERLOCAL COOPERATION AGREEMENT