

SEVEN COUNTY INFRASTRUCTURE COALITION
August 10, 2018

Resolution No. 2018-10C

**RESOLUTION APPROVING PASS THROUGH FUNDS AGREEMENT WITH
UDOT FOR EASTERN CONNECTOR ROAD AND RELATED MATTERS.**

WHEREAS, the 2018 HB 3, Line 1051, allocates \$3,200,000 in total in FY 2018, FY 2019, and FY 2020 as pass through funding from the Transportation Fund to the Seven County Infrastructure Coalition for an environmental impact study for the proposed Eastern Utah Connector Highway; and

Whereas, Utah Code Section 63J-1-220(2) mandates that the state agency, UDOT, not provide the Coalition with state pass through funding unless an agreement is executed. In addition, the agreement must require that the Coalition provide a written description and itemized report at least annually detailing the expenditure of the state money or the intended expenditure of any state money that has not been spent and a final written itemized report when all the state money is spent; and

Whereas, the attached Agreement is written to comply with Utah Code Section 63J-1-220(2).

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

1. The Governing Board hereby approves a Pass Through Funds Agreement with the Utah Department of Transportation in substantially the form as attached hereto and further approves the Executive Director to execute the Agreement with such modifications as the Executive Director deems desirable and approves the attestation of such Agreement and application of the Coalition seal thereto.
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 All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption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 August 10, 2018.

Motion by Lytle and Seconded by Horrocks.

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

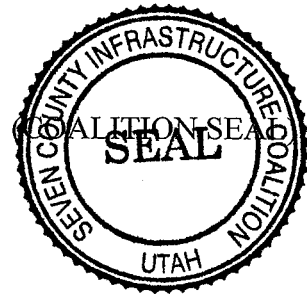
Carbon County	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Daggett County	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Duchesne County	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Emery County	Yea <input type="checkbox"/>	No <input type="checkbox"/> <i>absent</i>
San Juan County	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Sevier County	Yea <input type="checkbox"/>	No <input type="checkbox"/> <i>absent</i>
Uintah County	Yea <input checked="" type="checkbox"/>	No <input type="checkbox"/>


Co-Chair Phil Lyman


Co-Chair Jae Potter

ATTEST:


Eric Johnson



PASS THROUGH FUNDS AGREEMENT

This PASS THROUGH FUNDS AGREEMENT (“Agreement”) is entered into between the Utah Department of Transportation, an agency of the State of Utah (“UDOT”) and Seven County Infrastructure Coalition (“Coalition”), a political subdivision of the State of Utah.

RECITALS

Whereas, the 2018 HB 3, Line 1051, allocates \$3,200,000 in total in FY 2018, FY 2019, and FY 2020 as pass through funding from the Transportation Fund to Coalition for an environmental impact study for the proposed Eastern Utah Connector Highway;

Whereas, Utah Code Section 63J-1-220(2) mandates that the state agency, UDOT, not provide Coalition with state pass through funding unless an agreement is executed. In addition, the agreement must require Coalition provide a written description and itemized report at least annually detailing the expenditure of the state money or the intended expenditure of any state money that has not been spent and a final written itemized report when all the state money is spent; and

Whereas, this Agreement is written to comply with Utah Code Section 63J-1-220(2).

AGREEMENT

The parties agree as follows:

1. UDOT will transfer \$1,600,000 to Coalition in FY 2019 and \$1,600,000 in FY 2020.
2. Upon spending all the state money, Coalition will provide UDOT with a final written itemized report detailing where the money has been spent. If the money is not spent by the end of FY 2020, Coalition will provide a written description and an itemized report at least annually detailing the expenditure of the state money or the intended expenditure of any state money that has not been spent.
3. Coalition will only spend the money for an environmental impact study for the proposed Eastern Utah Connector Highway.
4. Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of this Agreement at the request of the other party.
5. The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.
6. This Agreement constitutes the entire agreement between the parties and

supersedes any prior understandings, agreements, or representations, verbal or written. No subsequent modification or amendments will be valid unless in writing and signed by both parties.

7. Each party represents that it has the authority to enter into this Agreement and the Agreement may be signed in counterparts.

SEVEN COUNTY INFRASTRUCTURE COALITION

By: Michael J Mcker
Title: _____
Date: _____

Approved as to form:

UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Title: _____
Date: _____