



Date: May 31, 2022
To: Weber County Board of County Commissioners
From: Sean Wilkinson, AICP *SW*
Director, Community Development Department
Subject: **Request for approval of a donation of "Prop 1 Funds" in the amount of \$71,944.75 to Trails Foundation of Northern Utah for construction of a new section of the Weber River Parkway.**

Agenda Date: June 7, 2022

Documents: Exhibit A: TFNU request letter
Exhibit B: Construction invoice
Exhibit C: Memorandum of Understanding (Approved June 18, 2019)

Summary:

Trails Foundation of Northern Utah (TFNU) is requesting a donation of "Prop 1 funds" in the amount of **\$71,944.75** for construction of a new section of the Weber River Parkway. The project consists of building a new 10 foot wide road base trail and a concrete safety fence along the river. The new trail runs past the Riverside RV Park and connects to an existing section of trail on TFNU property.

The requested donation will come from the County option sales and use tax for highways and public transit, also known as "Prop 1 funds." Weber County is authorized to use Prop 1 funds for specific transportation-related purposes described in state law, including "the development, construction, maintenance, or operation of" certain thoroughfares and trails.

On February 4, 2020, the County Commission approved a memorandum of understanding (MOU) with TFNU (under its former business name, Weber Pathways) for all future Prop 1 Fund donations. This MOU eliminates the need for a separate agreement with each donation request. TFNU will apply to the County for future Prop 1 Fund donations and reference this MOU as the basis for compliance and approval.

Weber County allocated \$200,000 of the 2022 Prop 1 fund budget for pathway maintenance and construction. This is the second funding request. The remaining balance is **\$117,495.25**.

Previous Donations:

1. \$10,560 to Trails Foundation of Northern Utah for a concept report on the Pineview Loop Pathway extension from North Arm Trailhead to the Pineview Spillway (May 17, 2022)



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Alan Wheelwright, *Trail Crew Lead*

Commissioners-

Trails Foundation of Northern Utah (TFNU) has worked on building and developing the Weber River Parkway from Riverdale to Uintah for many years. We are excited that we have been able to complete a new section that will add more trail past and along the Riverside RV Park and connect to a trail we put in last year that is on TFNU property.

The Weber River Parkway is a trail for our communities and visitors. TFNU has completed a section that is 10' wide road base and grubbed vegetation as well as a concrete fence right along the river.

For this project, we are asking for \$71,944.75 of Prop. 1 money to fund the completed work. An invoice will be submitted with this letter.

Trails Foundation of Northern Utah feels this would be an excellent use of the Prop 1 funds awarded to continue to connect the trail and get us closer to the Uintah Business Park from Riverdale.

Again, we thank you for all your support.

Thank you,

Aric W. Manning
Executive Director

Exhibit C

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WEBER PATHWAYS
AND
WEBER COUNTY**

1. **BACKGROUND:** Weber County receives sales tax funds collected under Section 59-12-2219 of the Utah Code, which is known as the “county option sales and use tax for highways and public transit.” The funds are sometimes referred to as “Prop 1 funds,” because the ballot proposition that resulted in the enactment of the tax in Weber County was known as Proposition 1. Therefore, this Memorandum of Understanding (MOU) will use the term “Prop 1 funds” to describe the funds. The County is authorized to use Prop 1 funds for specific transportation-related purposes described in state law, including “the development, construction, maintenance, or operation of” certain thoroughfares and trails. Weber Pathways has asked to use Prop 1 funds for specific trail projects and desires to have future access to the funds for other trail projects.
2. **PURPOSE:** The purpose of this MOU is to guarantee that Weber Pathways, dba Trails Foundation of Northern Utah (TFNU), will use Prop 1 funds in accordance with applicable County and State laws, ordinances, and policies, without requiring a separate contract for each donation of funds. The County Commission finds that these donations will contribute to the safety, health, comfort, and convenience of county residents.
3. **SCOPE:** This MOU for the donation and use of Prop 1 funds is made between Weber Pathways and Weber County.
4. **UNDERSTANDING, AGREEMENTS, AND SUPPORT REQUIREMENTS:**
 - A. Weber Pathways is a nonprofit 501(c)(3) organization with a mission to “plan, promote, construct, and protect a network of public pathways, trails, and related open spaces for non-motorized users throughout the greater Weber County area.”
 - B. Weber County intends to donate Prop 1 funds to Weber Pathways for the purpose of planning and building eligible pathways and trails in unincorporated Weber County.
 - C. To receive donations of Prop 1 funds, Weber Pathways must apply to the County, specifying which projects the Prop 1 funds will be used for. If Weber Pathways wants to use donated Prop 1 funds for projects not included in the original application, it must file a new application seeking authorization to use the funds for other projects.
 - D. Weber Pathways will only use Weber County’s Prop 1 fund donations for corridor preservation, engineering, environmental review, surveying, permitting, construction, project management, and any other project-specific tasks necessary to complete approved projects.
 - E. Weber Pathways will comply with all applicable County and State laws, ordinances, and policies.
 - F. Weber Pathways will account for the expenditure of Prop 1 funds and will provide updates to Weber County upon request.


- G. Weber Pathways will indemnify and hold harmless the County, its officers, agents, and employees from and against any claims or suits that arise as a result of Prop 1 fund donations, including improper use of Prop 1 funds.
- 5. **EFFECTIVE DATE:** This MOU is effective upon signature by both parties and will remain in effect until modified, replaced, or terminated by agreement of the parties.
- 6. **MODIFICATION:** Modification of this agreement requires written notification and approval by both parties 30 days in advance.
- 7. **GOVERNING LAW:** The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this agreement.
- 8. **ENTIRE AGREEMENT:** This agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no other statement, whether written or oral, shall be deemed a part of this agreement unless specifically incorporated herein by reference.
- 9. **SIGNATURES:** In witness whereof the undersigned have affixed their respective signatures hereto on the dates indicated below.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By 
Gage Froerer, Chair

Commissioner Froerer voted
Commissioner Jenkins voted
Commissioner Harvey voted

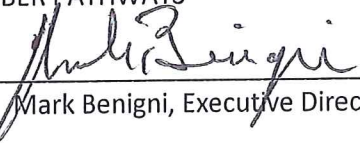
ATTEST:


for Ricky D. Hatch, CPA
Weber County Clerk/Auditor


Date:

4 FEB 2020

WEBER PATHWAYS

By 
Mark Benigni, Executive Director

Subscribed and sworn to before me this 17 day of January, 2020.


Notary Public

