

RESOLUTION NO. R - 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MONTGOMERY PUBLIC WORKS DEPARTMENT TO UTILIZE THE CITY OF MONTGOMERY AMERICAN RESCUE PLAN FUNDS; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, PROPER NOTICE AND MEETING.

WHEREAS, on March 11, 2021, President Joe Biden signed into law the American Rescue Plan Act (hereinafter “ARPA”) to address the impact of COVID-19 and initiate a funding program related to the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, on May 10, 2021, the U.S. Treasury issued the Interim Final Rule and on January 6, 2022, issued the Final Rule to implement ARPA, as set forth in Title 31, Part 35 of the Code of Federal Regulations (“CFR”); and

WHEREAS, under ARPA Section 603 (c)(1)(A) and (C) and the Final Rule 31 CFR 35.6(b)(3)(ii)(A)(11), recipients may use Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) to provide assistance to individuals and disproportionately impacted populations via capital improvements, investments in the community to promote improved health outcomes and public safety, services to address educational disparities, and procurement of equipment related to the provision of these services; and,

WHEREAS, the City of Montgomery, Texas (“City”) has been awarded funds by the U.S. Department of the Treasury (“Treasury”) which were distributed to the City from ARPA for covered costs and eligible expenses to be incurred during the period which began on March 3, 2021 (the date ARPA became law) until December 31, 2024 (to be expended by December 31, 2026); and

WHEREAS, the City seeks to allocate ARPA funding to the City of Montgomery Public Works Department (“Other Party”) for the purpose of supporting the two capital projects (“Projects”); and

WHEREAS, the City and Other Party desire to enter into an Agreement (“Agreement”) setting forth their respective responsibilities under the Project; and

WHEREAS, Other Party accepts the obligation to provide the Scope of Work described in the Agreement, hereto attached as Memorandum of Understanding, and to comply with ARPA monitoring, documentation, and reporting requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY:

SECTION 1. Findings of Fact. The foregoing recitals are incorporated into this resolution (“Resolution”) by reference as findings of fact as if expressly set for word-for-word herein.

SECTION 2. Authorization. That the City Council authorizes the Interim City Administrator to execute the Memorandum of Understanding Agreement with Other Party, hereto attached as **Attachment A**.

SECTION 3. Repealer Clause. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved therein.

SECTION 4. Severability Clause. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Resolution, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Resolution to any other persons or circumstances, shall be affected thereby.

SECTION 5. Open Meetings. The City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Resolution was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

SECTION 6. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED this 10th day of December, 2024 by 00 (ayes) to 00 (nays) with 00 abstentions by a vote of the City Council of the City of Montgomery, Texas.

CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary