

RESOLUTION 23-__

A RESOLUTION AUTHORIZING THE PORT AUTHORITY TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR A CAPITAL IMPROVEMENT PROJECT AT KLONDIKE PARK

WHEREAS, the St. Charles County Port Authority (“Port Authority”) is a port authority authorized under Chapter 68 of Revised Statutes of Missouri (“RSMo.”) and Chapter 170 of the Ordinances of St. Charles County, Missouri (“OSCCMo.”), as amended; and

WHEREAS, the Board of Commissioners (“Board”) is the governing body of the Port Authority; and

WHEREAS, the Missouri Highway and Transportation Commission (“MHTC”) is authorized to make grants for capital improvements and grants for the American Rescue Plan act of 2021(ARPA) to port authorities; and,

WHEREAS, Title IV of Division M of Public Law 117-2, the American Rescue Plan Act (hereinafter, “ARPA” or “the Act”) and the Missouri General Assembly 2022 appropriations bill, HB 3020, provided general funds for grants to port authorities from the Coronavirus State and Local Fiscal Recovery Fund (SLFRF); and

WHEREAS, the Board desires that the Port Authority enter into an agreement with the MHTC, the purpose of which is for the MHTC to provide financial assistance to the Port Authority, pursuant to ARPA, HB 3020, and Section 68.035.2 RSMo, and to state the terms and conditions upon which such assistance will be provided and the understandings as to the manner in which the project will be undertaken and completed aid in the Port Authority’s project; and

WHEREAS, the project shall entail port improvements to include land preparation and capital improvements (to include building a dock at Klondike Park) to support the movement of freight for customers of the St. Charles County Port Authority; and

WHEREAS, Section 6.2 of the By-Laws of the St. Charles County Port Authority, requires that “All contracts executed by the Board shall be formally approved by resolution of the Board and signed on behalf of the Board by the Chairperson, Vice Chairperson, or Executive Director, after such approval.”

WHEREAS, Chapter 70, RSMo., authorizes intergovernmental agreements between political subdivisions for the purposes herein set out.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE ST. CHARLES COUNTY PORT AUTHORITY AS FOLLOWS:

1. That the Board hereby authorizes Chairman P. Roger Ellis to execute an intergovernmental agreement with the Missouri Highways and Transportation Commission for the MHTC to

provide financial assistance to the Port Authority, pursuant to ARPA, HB 3020, and Section 68.035.2 RSMo, for completion of the Port Authority’s project at Klondike Park (the “Agreement”).

2. That the Agreement shall be substantially the same in form and content as that attached hereto as Exhibit A. The Chairman is further authorized to execute any amendments of the Agreement as may be required.
3. The Board hereby authorizes staff to work with all parties necessary to affect the purpose of this resolution and to take all other actions necessary to effectuate the intent and purpose of this Resolution.
4. This Resolution shall be in full force and effect immediately from and after its adoption as provided by law and the Agreement shall be valid upon its execution as required by Chapter 70 RSMo.

**ADOPTED THIS 8th DAY OF MARCH, 2023.
ST. CHARLES COUNTY PORT AUTHORITY**

Roger Ellis, Chairperson

ATTEST:

Monica Combest, Vice Chairperson

Vote:

Aye: _____

Nay: _____

Abstain: _____

Absent: _____

Not Present at vote: _____