

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
EDEN VALLEY TRAILS TRUST  
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. Eden Valley Trails Trust 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 Eden Valley Trails Trust, 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 Eden Valley Trails Trust and Weber County.
4. **UNDERSTANDING, AGREEMENTS, AND SUPPORT REQUIREMENTS:**
  - A. Eden Valley Trails Trust is a nonprofit 501(c)(3) organization with a mission to "build and maintain a sustainable and interconnected trail system in Ogden Valley"
  - B. Weber County intends to donate Prop 1 funds to Eden Valley Trails Trust for the purpose of planning and building eligible pathways and trails in unincorporated Weber County.
  - C. To receive donations of Prop 1 funds, Eden Valley Trails Trust must apply to the County, specifying which projects the Prop 1 funds will be used for. If Eden Valley Trails Trust 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. Eden Valley Trails Trust 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. Eden Valley Trails Trust will comply with all applicable County and State laws, ordinances, and policies.

- F. Eden Valley Trails Trust will account for the expenditure of Prop 1 funds and will provide updates to Weber County upon request.
- G. Eden Valley Trails Trust 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: \_\_\_\_\_  
James H. "Jim" Harvey, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Bolos voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_

ATTEST:

Date:

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

\_\_\_\_\_  
EDEN VALLEY TRAILS TRUST  
By:   
\_\_\_\_\_  
Alan Wheelwright, Executive Director